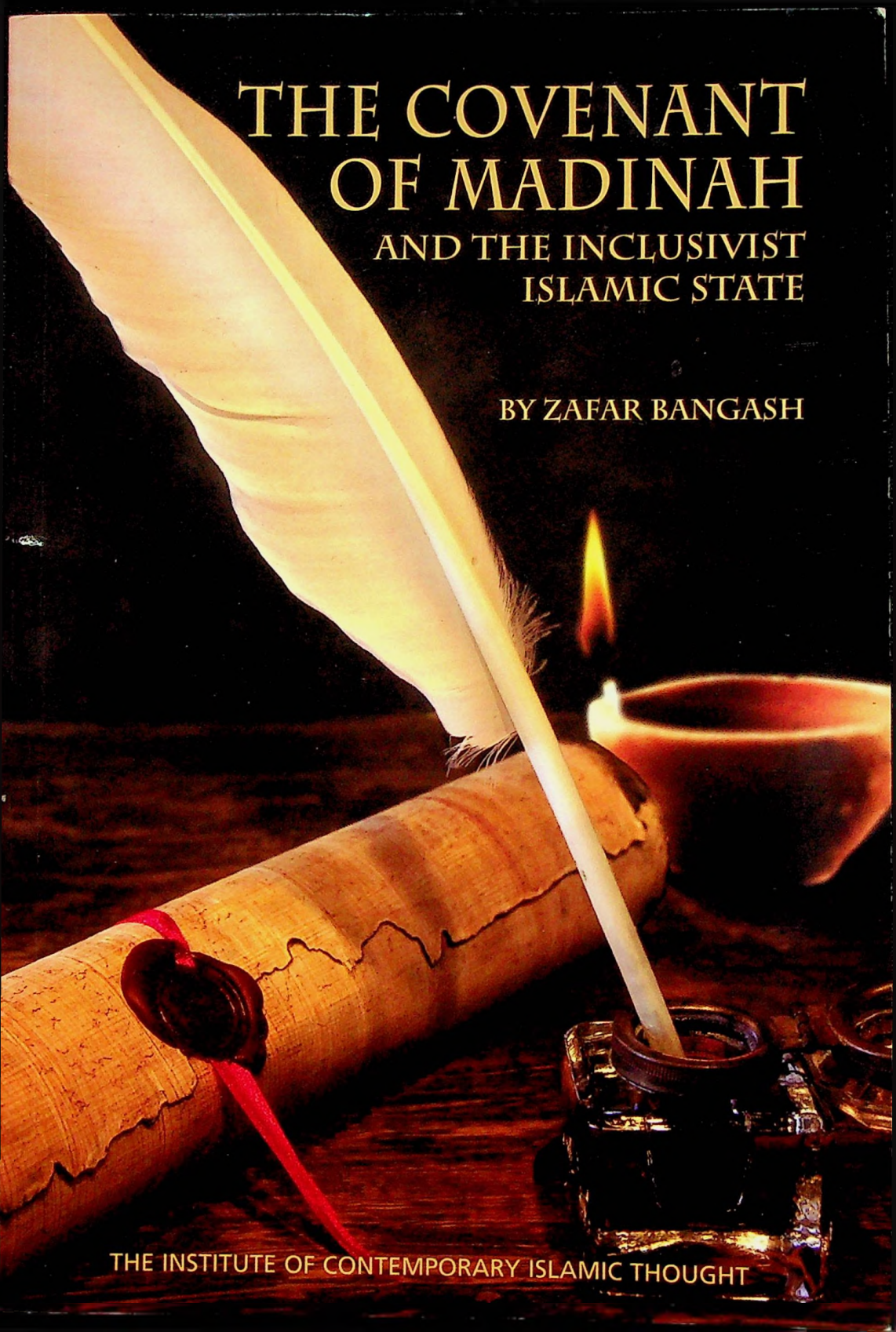
THE COVENANT
OF MADINAH
AND THE INCLUSIVIST
ISLAMIC STATE
BY ZAFAR BANGASH
THE INSTITUTE OF CONTEMPORARY ISLAMIC THOUGHT

ABOUT THE BOOK

Within a few months of his migration from Makkah, the noble Messenger of Allah (ﷺ) enacted a charter for the people of Madinah to govern the affairs of the newly established Islamic State. Referred to as the Covenant of Madinah, it is a unique document in many respects: it granted to all the people, regardless of their faith, the same rights as the Muslims. The concept of citizenship was formally accepted. More importantly, the Covenant was written down, making it the first written constitution in the world.

The material in this book, extracted from the author's original work, *Power Manifestations of the Sirah: Examining the Letters and Treaties of the Messenger of Allah (ﷺ)*, published in June 2011, discusses its articles in detail. The fairness and justice that were the overriding principles enshrined in this remarkable document have also been reviewed in detail. Equally remarkable is the fact that while Muslims were still a minority in Madinah when the Covenant was promulgated, everyone — Muslim and non-Muslim alike — accepted the leadership of the noble Messenger (ﷺ).

The Covenant of Madinah should be compulsory reading for all Muslims concerned with establishing fairness, justice and equity in society. It will enable Muslims — and indeed non-Muslims — to see the noble Messenger (ﷺ) as a just and compassionate ruler exemplifying his unique quality bestowed from on High **"...as a mercy to all the worlds"** (21:107).

ABOUT THE AUTHOR

Zafar Bangash is the Director of the Institute of Contemporary Islamic Thought and on the Editorial Board of *Crescent International*, an Islamic newsmagazine he has been associated with since 1978. He is the author of several books including *The Makkah Massacre and the Future of the Haramain* (1988), *In Pursuit of the Power of Islam: Major Writings of Kalim Siddiqui* (editor, 1996), *The Seerah: A Power Perspective* (co-authored with Muhammad al-'Asi, 2000), *The Concepts of Leader and Leadership in Islam* (2001), *Imam Khomeini: A Leader of Principle and Purpose* (jointly edited with Afeef Khan, 2010), *Imam Khomeini and Centrality of Leadership in Islam* (2011), and *Power Manifestations of the Sirah: Examining the Letters and Treaties of the Messenger of Allah (ﷺ)* (2011).

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In the Name of Allah,
the Mercy-Giving, the Merciful

THE COVENANT OF MADINAH
AND THE INCLUSIVIST ISLAMIC STATE

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an excerpt from
Power Manifestations of the Sīrah

Zafar Bangash
edited by Afeef Khan

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لماوقعت بنو إسرائيل في المعاصي نهتهم علماؤهم فلم ينتهوا . فجالسوهم في مجالسهم . وواكلوهم . وشاربوهم . فضرب الله قلوب بعضهم ببعض . ولعنهم على لسان داود وعيسى بن مريم (وذلك بما عصوا وكانوا يعتدون) [المائدة : ٧٨] وكان رسول الله صلى الله عليه وسلم متكئا فجلس فقال : لا والذي نفسي بيده حتى تأطروهم على الحق أطرا [وفي رواية] ثم يلقاها من الغد وهو على حاله فلا يمنعه ذلك . أن يكون أكيله وشريبه وقعيده . فلما فعلوا ذلك ضرب الله قلوب بعضهم ببعض . ثم قال : (لعن الذين كفروا من بني إسرائيل على لسان داود إلى قوله فاسقون) [المائدة : ٧٨ - ٨١] ثم قال : كلا والله لتأمرن بالمعروف ولتنهون عن المنكر ولتأخذن على يد الظالم ولتأطرنه على الحق أطرا . ولتقصرنه على الحق قصرا زاد في رواية أو ليضربن الله بقلوب بعضكم على بعض . ثم ليلعننكم كما لعنهم

'Abdullāh ibn Mas'ūd was known to have related the following incident in the company of Allah's Messenger (ﷺ), *"When Banū Isrā'īl fell into a state of disobedience, their scholars warned them, but they did not heed the warning(s). Then they [the scholars] began to socialize with them [the rulers] — sharing the same meetings with them — trusting them [in a civil sense], and breaking bread with them... And when they [the scholars] did that, Allah conflicted their hearts [against one another] and condemned them in the words of David and Jesus, son of Mary [Sūrah al-Mā'idah:78–81]... And the Messenger of Allah, who had been reclining [until this point], assumed an erect posture and said, 'Never, by Allah, you will most definitely authorize the ma'rūf and disestablish the munkar and you will take the ẓālim by his hand and put him in a frame of ḥaqq [by necessity] and you will confine him to the ḥaqq not to exceed its perimeters or else Allah will cause your hearts to collide and then He will condemn you as He condemned them [Banū Isrā'īl].'"*

لا يؤمن أحدكم حتى أكون أحب إليه من ولده ووالده والناس أجمعين

On the authority of Anas ibn Mālik,
Allah's Messenger (ﷺ) was known to have said,
"Not one of you will [ever] be securely committed [to Allah] until I am more beloved to him than his [own] son, his [own] father and all of mankind."

لا فضل لعربي على عجمي ولا لعجمي على عربي ولا لأبيض على أسود ولا لأسود على أبيض إلا بالتقوى . الناس من آدم وآدم من تراب

Allah's Messenger (ﷺ) was known to have said,
"There is no preference for an Arab over a non-Arab, and none for a non-Arab over an Arab, and none for a white man over a black man, and none for a black man over a white man, except in taqwá. [All] mankind [came] from Adam and Adam was [formed] of earth [soil]."

TABLE OF CONTENTS

Foreword . . . . . **xi**

Transliteration Chart . . . . . **xvii**

Consonants xvii

Vowels and Diphthongs xviii

Tanwīn and Tashdīd xviii

The Covenant of Madinah **1**

Yathrib at the Time of the Hijrah 15

Jewish Presence in the Arabian Peninsula 18

Binding Important Constituencies into an Agreement 22

The Covenant of Madinah Launches the First Islamic State 35

Defining the Boundaries of the State 38

Leadership and Authority of the Prophet (ﷺ) 39

The Concept of One Ummah 41

Peace and Justice in Society 51

On the Treachery of the Yahūd 58

Review of Some Contemporary Constitutions 66

Notes and References 73

Index 83

FOREWORD

The Covenant of Madinah has been rightly described as the first written constitution in world history. Never before had humankind been given such rights enshrined in written form. Hitherto, every society — big or small — was governed by the whim of the rich and powerful whose interests were considered paramount. Often, the king or tribal leader's word was the law. The poor naturally suffered in such an environment. Today, this is still the case in many parts of the world. Not so in Madinah at the time of the Prophet (ﷺ) more than 1,400 years ago. When he migrated from Makkah to Madinah, the noble Messenger (ﷺ) established a society based on the rule of law in which the rights and obligations of all its inhabitants were fully recognized and respected.

Given its importance, both historical and religious, the Covenant of Madinah is being presented here in book form with detailed analysis. It is taken from a chapter in the

author's most recent book, *Power Manifestations of the Sirah: Examining the Letters and Treaties of the Messenger of Allah (ﷺ)*, which has just been published (Rajab 1432AH/06-2011CE) by the Institute of Contemporary Islamic Thought (ICIT). The Covenant's importance cannot be overemphasized; it is remarkable for a number of reasons. It not only laid down rules for governing society, but it did so in writing. And it recognized the unchallenged authority of the Prophet (ﷺ) even though Muslims were still a minority in Madinah.

The Prophet (ﷺ) not only addressed the needs and concerns of his followers — the Muslims from Makkah and Madinah — but also those of the non-Muslims that included both the *ummīyūn* and Jews residing in Madinah. The Covenant thus established a framework in which the socio-economic and political rights of all the people were guaranteed. Under the Covenant, every citizen, regardless of his or her faith or non-faith, was considered a "Muslim" in the civic sense. The rights of different faith communities were also recognized but the greater burden of responsibility lay on the shoulders of Muslims. For instance, Muslims were required to join military campaigns outside Madinah; the Jews and other ordinary residents of Madinah, on the other hand, despite being citizens of the state, were not required to do so, and they never did. They were only required to defend the state if Madinah was subjected to external aggression.

The issue of the rights of non-Muslims in an Islamic (ideological) State was not simple. Why would they abide by the rules if they were not convinced their rights and legitimate interests were guaranteed? Befitting the just *sunan* of Allah (ﷻ) and His chosen executives, the Prophets (ﷺ), these rules were not imposed by force. The consent of all the people was sought and obtained; and the rules were written down as testimony to each participating party's voluntary endorsement.

This also highlights the leadership qualities of the Prophet (ﷺ); everyone accepted him as the leader and agreed to follow the rules he ordained. This was spelled out in the very first article of the Covenant,

> *This is a document initiated by Muhammad the Prophet [Messenger of Allah], between [the following agreeing parties]: the mu'mins, and muslims from the Quraysh; the people of Yathrib and those who followed them, joined them, and fought alongside them...*

The Prophet (ﷺ) was the one who proffered the Covenant and those who agreed to its terms did so accepting his leadership. This represented a paradigm shift in the way people conducted their affairs: from decisions based on personal or tribal loyalties to the principle of acting within the bounds of divine law. Both in matters of personal disputes and for waging war, they were bound by the authority of the Prophet (ﷺ) and could not initiate war without his permission. Article 36 of the Covenant placed complete authority in the hands of the Prophet (ﷺ) to declare war. This was a radical departure from conventional practice. Hitherto, tribal chiefs took such decisions based on parochial interests. The Covenant established new rules: decision-making became the exclusive domain of the Prophet (ﷺ) as head of state in Madinah.

The concept of a state with a constitution, much less a written one, was not known at the time. The notion of a "social contract" between the state and its citizens was equally alien to them. Only tribal law, transmitted through an oral tradition, governed relations between members of society. To establish a state in such an environment and then implement its laws successfully was a remarkable achievement because most people tend to live in their "comfort zone" whose

boundaries they are reluctant to breach. It requires a charismatic leader to motivate people to part with the old ways and adopt new ones.

The Covenant of Madinah must be viewed against the backdrop of the conditions that prevailed in Yathrib, as it was referred to before the arrival of the Prophet (ﷺ) there, and the overall framework of life in Arabia at the time. Madinah (formerly Yathrib) was an oasis town with palm trees and lush gardens. Agriculture was the mainstay of life. While the Madinan tribes were sedentary, life was not organized in the manner of Makkah where Dār al-Nadwah was established for the city's notables to meet and discuss issues of mutual concern. Madinah was in a sense a sleepy political and social backwater. Several tribes resided in Yathrib at the time of the Prophet's (ﷺ) migration. In addition to the two dominant Arabian tribes —the Aws and the Khazraj and their 12 subclans — there were three major Jewish tribes as well — Banū Qaynuqā', Banū al-Naḍīr, and Banū Qurayẓah. They had 10 sub-clans and were allied with the Arabian tribes in a manner that virtually ensured perpetual conflict in Yathrib: Banū Qaynuqā' were allies of the Khazraj and lived inside the city while the other two, living on the periphery, were allied with the Aws. The Arabian tribes, Aws and Khazraj, were bitter rivals even though they were descendants of two brothers — Aws and Khazraj from the Yemenī tribe of Qaḥṭān. They had fought numerous wars, finally exhausted by the Bu'āth War, which left them even more vulnerable to exploitation by the Yahūd. Their fortunes changed when the Prophet (ﷺ) met a group of Khazrajī pilgrims during the Hajj in Makkah. Six of them embraced Islam. With this conversion, Islam gained a tentative foothold in Madinah — a situation that proved to be far more promising than the one in Makkah where scores of conversions had only served to increase antipathy against

the Prophet (ﷺ). The conversions of some of the Madinan tribesmen led eventually to the two Pacts of 'Aqabah paving the way for the Prophet's (ﷺ) migration to Madinah.

While the persecution of the Muslims ended with their migration to Madinah, it did not end their problems. New ones emerged in Madinah even as old ones such as the disastrous rivalry between the Aws and Khazraj disappeared. There emerged a group of *munāfiqs* — fifth columnists pretending to be Muslims while secretly conspiring with their enemies to undermine Islam and the Prophet (ﷺ) — who soon combined forces with the rabble-rousing Jewish tribes and their demagogic rabbis. The Prophet (ﷺ) made sincere efforts to befriend and seek the support of the Jews, hoping that as a scriptural community they would accept his prophethood since it was foretold in their books. To this end, he represented them as legitimate constituencies in the Covenant and recognized their *dīn*, but their hostility borne of racism remained undiminished. And then there was the ever-present threat from the Quraysh, which had inflicted so much harm on the Muslims in Makkah. As the mere presence of Islam anywhere in the Peninsula was perceived by them to be a threat, just because the Muslims had left the city of their birth did not mean the Quraysh would let them live in peace.

The Prophet (ﷺ) could foresee this threat and prepared for it. The best way to defend Madinah was to create internal cohesion. Given the generational tribal divisions, which had now become part of the city's culture, this was not easy but through his wisdom and incomparable leadership qualities, the Prophet (ﷺ) was able to establish this *ittiḥād* fairly quickly without much opposition. It needs recalling that a majority of the people in Madinah had not yet accepted Islam so getting their agreement to an arrangement in which the Prophet's (ﷺ) pre-eminent role and authority were recognized and accepted

by all groups required great *ḥikmah*. He achieved this through the Covenant of Madinah.

Did the Prophet (ﷺ) consult others before enacting the Covenant? Given his general approach in building commitment through a process of ownership, the Prophet (ﷺ) must have consulted the chiefs of Madinah and obtained their consent before committing to writing the charter that was finally established. One of the qualities of a great leader is his ability to foresee the future, especially insofar as it is determined by current decisions and attitudes, and plan for it accordingly. Based on revealed knowledge as a reference point, the Prophet (ﷺ) gave shape to Madinah's (Islamic) future by following through with the Covenant, which outlined the rights and duties of each group as well as its allies.

In Western political theory, the "people" are considered sovereign even though the word *people* and how decisions are made on behalf of this group has never been clearly defined in Western representative mechanisms. The theory suggests that the people are free to make all decisions based on their personal preferences exclusive of any other considerations, especially those related to the "oppressive" and "divisive" application of God's laws. The people have the liberty to decide what is right or wrong at a particular moment in history. Such thinking has led to the emergence of humanism and the disastrous wars it has spawned, resulting in the killing of at least 100 million people in the 20th century.

Islam has a radically different perspective on these issues, particularly the concept of sovereignty. Man is not sovereign, only Allah (ﷻ) is. Man's position is that of a *khalīfah* (representative, vicegerent, or trustee) of Allah (ﷻ) on earth; he is not free to do as he pleases. Man must abide by the laws ordained for him by Allah (ﷻ). Islam's laws are, therefore, not subject to human likes or dislikes at any particular time. In

fact, man's behavior is measured by the truth and not the other way around; truth is self-validating and self-evident, requiring no support from any other source, not even a human one, or even support from influential humans. This is how Allah (ﷻ) has structured the truth; one only needs to think about it to understand it and such faculties are equally available to every human being — and this is what is truly liberating.

This book has been compiled at the request of colleagues and associates who felt that given the importance of the Covenant of Madinah coupled with the paucity of information available on it, the subject matter should be published independently. We sincerely hope that it would serve the purpose for which it is intended. I am grateful to Afeef Khan for editing this book as well as the original, *Power Manifestations of the Sirah: Examining the Letters and Treaties of the Messenger* (ﷺ), from which it is extracted. Thanks are also due to Imam Muḥammad al-ʿĀṣī who helped translate the Arabic text of the Covenant to make it conform more closely to the original. He also helped with clarifying the meanings of many hadiths that often get distorted because of inaccurate or sloppy translation.

Without their help, this book and the original one would not have been possible, at least not in the form in which they have appeared. Any errors or omissions are mine alone for which I seek Allah's (ﷻ) forgiveness and the indulgence of readers. All comments are welcome and encouraged.

Zafar Bangash
Director, The Institute of Contemporary Islamic Thought
Toronto, Ontario, Canada
Rajab 18, 1432AH (6-20-2011CE)

TRANSLITERATION CHART

Consonants

ا أ إ	none (initial)	ض	ḍ
ء ئ ؤ	' (medial or final)	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	ʿ
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	ه	h
س	s	ة	ẖ
ش	sh	و	w
ص	ṣ	ي	y

Vowels and Diphthongs

◌َ	a	◌ا	ā	◌ى	á
◌ُ	u	آ	ā	◌ئ	ay
◌ِ	i	◌و	ū	◌ؤ	aw
		◌ي	ī		

The small box in the table above represents an Arabic consonant; for instance, if the box were replaced with the letter *f* (ف), then the table would assume the following configuration,

فَ	fa	فَا	fā	فَى	fá
فُ	fu	فَآ	fā	فَيْ	fay
فِ	fi	فُوْ	fū	فَوْ	faw
		فِيْ	fī		

Tanwīn and Tashdīd

◌ًا	an	◌َيّ	ayy	◌َوّ	aww
◌ًى	an	◌ُوّ	ūw	فّ	ff
◌ٌ	un	◌ِيّ	īy (medial)	شّ	shsh
◌ٍ	in	◌ِيّ	ī (final)	رّ	rr

Similary, if the box were replaced with the letter *f* (ف), then the table above would look like the following,

فاً	fan	فَيّ	fayy	فَوّ	faww
فىً	fan	فُوّ	fūw	فّ	ff
فٌّ	fun	فِيّ	fīy (medial)	شّ	shsh
فٍ	fin	فِيّ	fī (final)	رّ	rr

Note that the transliteration rules have only been applied to Arabic words and names, not those in Farsi or Urdu.

THE COVENANT OF MADINAH

ESTABLISHING THE LEGAL AND POLITICAL BOUNDARIES OF THE ISLAMIC STATE

> **And say [O Prophet], "O my Sustainer! Cause me to enter [upon whatever I may do] in a manner true and sincere, and cause me to leave [it] in a manner true and sincere, and grant me, out of Your grace, sustaining strength!" And say, "The truth has now come [to light], and falsehood has withered away; for, behold, all falsehood is bound to wither away [when the truth is evident]!" (17:80–81).**

These *āyāt*, revealed just prior to the Hijrah, are in the form of a *du'ā'* (supplication), referring to the temporal side of the Prophet's (ﷺ) mission. They predict his triumph, with Allah's (ﷻ) help, first by his safe entry into Madinah to establish the first Islamic State in history and then ultimately by his liberation of Makkah, whose *mushrik* class had tormented him for 13 years forcing him to abandon the city of his birth. These *āyāt* were revealed at a time when his situation appeared particularly bleak. He had few supporters in Makkah; most of his com-

panions had either migrated to Madinah after the Second Pact of 'Aqabah or earlier to Abyssinia. And two of his intimate patrons — his uncle Abū Ṭālib and his beloved wife, Khadījah (ﷺ) — had died three years earlier. Even as life became intolerably difficult for the Prophet (ﷺ), Allah (ﷻ) continued to cradle him with experiences and *āyāt*, portending momentous and unprecedented events in a future as bright and beckoning as the past was bleak and foreboding. Two of Allah's (ﷻ) *āyāt* during this time were the Isrā' and the Mi'rāj. In the first, the humble Prophet's (ﷺ) preeminent position as the foremost among the illustrious continuum of Prophets (ﷺ) was formally designated when he led them all in a *ṣalāh* at Jerusalem. And then, in the second, his position as the closest of all creation to Allah (ﷻ) was confirmed when he ascended past the seven heavens traversing onto *sidrah al-muntahá*.

The Prophet (ﷺ) already possessed spiritual and sentimental power, in addition to the power that accrues to those who have an impeccable character coupled with an unshakeable resolve, because he was the Messenger of Allah (ﷺ) and the bearer of Allah's (ﷻ) last and final message. The *āyāt* quoted above refer specifically to the issue of temporal power; the defeat of the *kāfirs* is also spelled out in unmistakable terms. Allah (ﷻ) instructs him to seek His help through the *du'ā'*, **"...and grant me, out of Your grace, sustaining strength!"**[1] Given the context in which these *āyāt* were revealed — at the very moment when he was literally being driven out of Makkah — they reflect an optimism that the *kāfirs* and those of lesser power, who are vicariously disposed to hold the *kāfirs'* views, would find difficult to understand or accept: that the Prophet (ﷺ) would not only return to Makkah, but do so triumphantly. But the divine scheme operates on a much higher plane than most humans can comprehend through their limited understanding.

A well-known hadith of the Prophet (ﷺ) reported by Anas ibn Mālik (رضي الله عنه) that is also a *du'ā'*, says,

> *O Allah, I seek refuge in You from worries and distress, from weakness and laziness, from cowardice and stinginess, and from the burden of debt and the domination of other men.*[2]

Again, we see that the Prophet (ﷺ) is seeking Allah's (سبحانه وتعالى) help for very worldly matters — from weakness, cowardice, stinginess, the burden of debt and from the domination of other men. Weakness does not merely suggest physical vulnerability although that is included; it refers to the kind of communal fragility that would enable others with selfish motives and vested interests to dominate. Domination by unprincipled men would also negate our conscious yielding to Allah (سبحانه وتعالى), the only Power and Authority worthy of our conformity, this being the very essence of *īmān* in Islam. In another hadith, the Prophet (ﷺ) is reported to have said, *"Allah deals with those matters through the power of the state that He does not address [directly] in the Qur'an."*[3] Thus, the state as an institution is an integral part of the divine scheme or, as Dr. Kalim Siddiqui puts it even more emphatically, "Islam is incomplete without the Islamic State."[4]

As the Prophet (ﷺ) embarked on his journey to Madinah, where the Muslims had prepared a rousing welcome for him, there was much more on his mind regarding the future of Islam and Muslims than the trek through 300 miles of inhospitable desert. Madinah was about to become the base of the first Islamic State, the temporal seat of his authority — a blessing and a legacy the people of Makkah and al-Ṭā'if had rejected to their great loss. Allah (سبحانه وتعالى) Himself was guiding His beloved Messenger (ﷺ) to pray for his entry into Madinah

with truth, honor, and dignity. With him was the integrated message of truth — Islam — and in him, Allah (ﷻ) had placed the immense honor of the seal of prophethood, and through him rested the deliverance of all mankind (7:158, 34:28) from institutional subservience to any other temporal human authority — a mission no earlier prophet had been charged with. Thus, the *du'ā'* was clearly directing the Prophet (ﷺ) toward the realization of his mission beyond the simple transmission of the message: it was to institutionalize this message in society.

Let us consider the steps taken by the Prophet (ﷺ) within the first few days or weeks of his arrival in Madinah and how they fit into the establishment and consolidation of the Islamic State. These included but were not limited to,

1. the institutionalization of *ṣalāh al-jumu'ah*;
2. the establishment of a bond of brotherhood between the Muhājirūn (immigrants) from Makkah and the Anṣār (helpers) of Madinah;
3. the construction of al-Masjid al-Nabawī; and
4. the Covenant of Madinah.

All of these at some level have to do with matters of state. Al-Masjid al-Nabawī was a place not only for gathering the early Muslims for *ṣalāh*, but also a venue for consolidating the human will around a divine program of social justice and the seat of government. All matters relating to the affairs of Muslims were considered and deliberated upon there. *Ṣalāh al-jumu'ah* fulfilled a similar function: an occasion for teaching as well as fortifying Muslim brotherhood, in addition to its primary function: the *taqwá* of Allah (ﷻ). The gathering on Jumu'ah (Friday) is supposed to be a weekly reminder of how Muslims should be continually protecting themselves against the consequences of Allah's (ﷻ) corrective justice. This is a broad and all-inclusive

subject, covering all interactions of man in his local, regional, global, and *ghaybī* environments. And this underscores another important function that *ṣalāh al-jumu'ah* fulfilled: the *minbar* became a platform symbolizing the power of Islam. From the *minbar* the head of the Islamic State interacted with people once a week delivering advice as well addressing issues relating to matters of state. And finally, the Covenant of Madinah as a state constitution defined the rights, the responsibilities, and the relationship between the state and its constituents.

For the first few days, the Prophet (ﷺ) stayed in Qubā', just outside Madinah, as the guest of 'Amr ibn 'Awf (رضي الله عنه).[5] There he laid the foundation stone of a *masjid*, now called Masjid Qubā', the first of its kind in Madinah. The Prophet (ﷺ) left Qubā' for Madinah on Jumu'ah. When he reached the neighborhood of Banū Sālim it was time for the afternoon *ṣalāh*. There he performed the first *ṣalāh al-jumu'ah*, delivering and thereby establishing the necessity of a *khuṭbah* (sermon) during this weekly congregation.[6] While the five daily *ṣalāh*s were formally established in Makkah following the Mi'rāj, *ṣalāh al-jumu'ah* was instituted for the first time in Madinah. This congregational *ṣalāh* for the entire community differs from other *ṣalāh*s in two significant ways: it cannot be offered alone or at home. Aptly thus, Muslims from the entire community must attend and intently listen to a *khuṭbah* (sermon) that reflects the establishment of Islam's formal authority in the land. Some Muslims have interpreted this to mean that *ṣalāh al-jumu'ah* can only be instituted when power is in the hands of a legitimate Islamic authority. This carries important implications for governance and authority in a Muslim society.

Soon thereafter, the Prophet (ﷺ) addressed another issue that had the potential of being exploited by the enemies of Islam: the establishment of a bond of brotherhood between the Muhājirūn and the Anṣār. The hospitality of the Anṣār may

soon have dissipated unless some formal arrangements were made to accommodate the newcomers who were completely destitute. This had to be bolstered by the authority of the Prophet (ﷺ) himself. He assembled the Muslims at the house of Anas ibn Mālik (رضي الله عنه) and paired each *muhājir* with an *anṣārī*.[7] This linkage had an immediate impact on social relations, preventing discord from erupting in the society at large. If it had been left unresolved there would have been great potential for communal disruption since not everyone in Madinah had accepted Islam and since the influx of a large number of immigrants could have been exploited by the *mushriks* in Madinah as well as the Muslims' foes in Makkah. But the bond of brotherhood emphasized another, more important principle in Islam: it changed relations from the *jāhilī* practice of blood or tribal ties to ones that were based on a solid commitment to Allah (سبحانه وتعالى) and His Messenger (ﷺ). It also dealt a blow to the racism widespread in Arabia at the time, a pre-Islamic situation not unlike the world today.

While Islam recognizes differences in family background, tribe, and skin color, it rejects these as the rationale for determining a person's status in life. Allah's (سبحانه وتعالى) words are very clear: only a person's *taqwá* (consciousness of Allah (سبحانه وتعالى) and His laws) determines his social standing with respect to other human beings (49:13). This is part of the reason a weekly reminder on the meaning of *taqwá*, using illustrations from real life, is issued every Jumu'ah. This principle was again clearly evident during the Battle of Badr when Muslims confronted their *mushrik* brothers, sons, and fathers. The generosity of the Anṣār toward their *muhājir* guests from Makkah was exemplary, inspired by the grace and noble character of the Prophet (ﷺ). So pleased was Allah (سبحانه وتعالى) with this arrangement that he declared it a great virtue in a revelation that came soon thereafter (8:74).

The act of co-joining the Muhājirūn with the Anṣār was the precursor of the *ittiḥād* (unity) that provided the foundation for the group designated by Allah (ﷻ) as *al-ladhīna āmanū*.[8] Without *ittiḥād*, there can be no *al-ladhīna āmanū* and without *al-ladhīna āmanū*, there can be no Islamic state. *Al-ladhīna āmanū* is the constituency that is led by the Islamic executive authority and that implements its commands; at the same time, one of *al-ladhīna āmanū*'s major responsibilities is to hold the Islamic leadership accountable by framing its exercise of power within the guidelines of *al-ḥaqq*. Together *al-ladhīna āmanū* and the Islamic leadership constitute the Ummah; and hence the Ummah is only a bona fide entity so long as this relationship remains symbiotic. In order to discharge this important responsibility, *al-ladhīna āmanū* is required to possess a unique set of characteristics. These characteristics are not purely spiritual, nor completely political, social, or military, but they are a harmonious blend of integrated behaviors that are designed by the Creator Himself so that man can discharge his important social, personal, family, and *ghaybī* obligations with maximum effectiveness. To develop such a system is beyond the collective and aggregate capacities of man; it is too complex a problem for him to solve on his own. To this end, during the course of his lifetime, he is expected to "tame" his self-sufficient arrogance, acknowledge the fact that he needs help, and then yield to Allah's (ﷻ) wisdom, knowledge, command, and power. The Islamic State models this attitude in institutional form.

Ittiḥād (unity) describes inherently new characteristics of an emerging group that are distinctive from the original characteristics of the groups coming together. In particular, legitimate Islamic unity describes that distinctive set of integrated activities and attributes endorsed by Allah (ﷻ) and which target the establishment, the implementation, the mainte-

nance, and the adjudication of social justice. To this end, contrast Ja'far's (ﷺ) description of the life lived by the Arabians before the advent of Muhammad (ﷺ) and after (refer to page 11 of this book). *Al-ladhīna āmanū* emerged with a new set of essential qualities, ones that equipped them to handle the weighty task of discharging properly their responsibility to Allah (ﷻ) and thereby humanity. And indeed the cause of Allah (ﷻ) on earth is to represent those who have been oppressed and degraded by the corrupt exercise of power and weave threads of justice into the social tapestry of natural human relationships. In this vein, on personal, interpersonal, and social levels, they were required to make *ṣalāh* fives times a day, to fast in Ramaḍān, to not become intoxicated, to not commit adultery, to not steal or murder, to thwart institutional greed by giving up gambling and *ribā* transactions, to form institutional mechanisms of wealth distribution and poverty mitigation, to follow conventions on the rules of war and diplomacy, to observe the environmental trust, to honor their constitutional oaths, to liberate man from institutional slavery, and to consolidate these behavioral modifications into the new social, political, spiritual, and ideological culture of the Arabian Peninsula. This is the meaning of *ittiḥād* and its application to state functions. All of these activities of the Ummah cannot be regulated or accomplished without the existence of a state instrument.

Juxtapose this with the symbolic unities that exist in our modern world. To be sure, even though words like "united" and "union" are used, nothing could be farther from the truth. Take the European Union (EU) and the United Nations (UN) for instance. The former was created to compete against the economic power of the United States (and in reaction to the common economic power of the EU, NAFTA was created by the US, Canada, and Mexico). If the econom-

ic dominance of the US were to fail, as we are now seeing its economic superstructure being crushed under the weight of its own greed and corruption, there would be no reason for the EU to maintain togetherness. In fact Germany, the UK, and France — being the most virile economic engines of the EU — would immediately bolt because "having to pull along the weaker economies" would be too much of a drag on the same mentality of greed that wants to wholly and individually fill the vacuum created by US economic collapse.

After WWII, the humanitarian instrument that apparently transformed the predatory League of Nations into the United Nations was the Universal Declaration of Human Rights. After such a declaration, nearly 100 million people have been killed because of wars of aggression, largely fostered, coached, financed, and supplied by the colonial powers who formed the original League. Scores of indigenous representative movements have been quashed and an equal number of countries have been indiscriminately bombed, leading to millions of casualties, frustration, anger, and violence. There is more dispossession, starvation, famine, disease, movement of refugees, and lack of essential services than there has ever been at any other point in the history of humanity, and this is despite the presence of novel new technologies to make life easier. To be fair, the UN has done many good things, but its "maximum effectiveness," to apply the term we used earlier, is compromised by the fact that every nation comes to the UN to exploit and pursue its national self-interest, not the common interest of humanity.

There are even arrogant powers, led by the example of the United States, who feel that their own narrow national interest is synonymous with the greater social interest of the rest of humanity. It is these arrogant self-possessed power cultures that run around heaping piles of filth all over the earth,

putting the UN in a position to follow behind them and pick up their mess. Even though most of the world's people are God-fearing folks to some extent or another, their national representatives at the UN are not allowed by the UN charter to convene an international conference on religion! Whose interest does this serve and who is making the ideological rules that the world's people are forced to follow? Therefore, these are not "unities" in any sense of the word, mainly because the essentially vulturous nature of the power members has not been significantly curtailed or remodeled into the service of loftier objectives. And because of this kind of artificial unity, which is not founded upon the *taqwá* of Allah (ﷻ), how can there be a group possessing the necessary ingredients to justly manage the affairs of man on this earth? This only goes to show that faux unities and their willing foot soldiers are the stuff that international crime organizations posing as legitimate governments are made of.

Social justice, responsibility, and activism built upon an *ittiḥād* for the purpose and sake of Allah (ﷻ) validates individual and collective acts of devotion. The most important of these is *ṣalāh*: it is one of the pillars of Islam and its institutional formalization is a divine command, preferably in a *masjid*, to enable people to connect with Allah (ﷻ) in congregation. The word *ṣalāh* itself is derived from the Arabic root, *ṣilah*, which means *connection*. Thus, in performing our *ṣalāh*, we are linking with Allah (ﷻ), our Creator and Sustainer, and thereby we might acquire the courage, fortitude, guidance, knowledge, and wisdom to change a bad situation into an acceptable and secure one. The function of a *masjid*, however, is not merely to be a place of ritual worship; it also serves as the seat of government in Islam. When the Prophet (ﷺ) arrived in Madinah, he established the Islamic State. Al-Masjid al-Nabawī, constructed soon thereafter, became the seat of gov-

ernment and reflected the power of the Islamic State where the Prophet (ﷺ) received delegations from different parts of Arabia as well as dialogued with people of other faiths, especially rabbis and leaders of the Jewish people.

Obviously falling short of this particular example of the Prophet (ﷺ), one of the most under-utilized mechanisms available to the Islamic movement is the *masjid*. Even the smallest village in the Muslim world always has a *masjid*, not to mention larger social groupings in cities and towns. This is a delivery mechanism that exists, an infrastructure that Allah (ﷻ) has provided, and the use of which His Prophet (ﷺ) has exemplified; however at the same time, it is not one that is used to full effect. Why? Because the desire to carry the Islamic *da'wah* upon a state instrument is almost nonexistent in the Muslim East. And for this reason, individual *masjids* have fallen prey to sectarian divisions, especially in larger population centers. These *masjids* are not bound together upon a singular directional course because a vital function of state to fulfill society's need for setting direction is not being discharged.

An important leadership activity is creating a vision and choosing a direction. The *masjid* as a venue and the *ṣalāh* as an activity are not being effectively utilized to integrate Muslims into the Islamic leadership culture and the broader Islamic movement. While the *masjid* and the *ṣalāh* therein are only being used for spiritual obligations and while this validates the secular function of "places of worship" within the conventional world power culture, Allah (ﷻ) demands much more than that. Another important leadership activity is to provide social structures where informal human relationships can be nurtured and solidified. The *masjid* is a prolific spot for this to happen on a continuous basis. Muslims gather in their *masjids* five times a day and this frequency of attendance can be used to reinforce the directional course with projects, pursuits, and

pastimes that drive motivated Muslims into the mainstream Islamic movement. Further, as a formal place of public assembly, more Muslims could be driven to the *masjid* if the Jumu'ah were to be used to deliver pacesetting, "can't-miss-this" ideas at least once a week. In other words, if Muslims could be shown that going to the *masjid* is as valuable as, for example, listening to the news, then the dissemination of vital direction-setting information would just be a matter of fact, *wa-law kariha al-mushrikūn*. Or said another way, the *masjid* is the open door of the recruitment center for the soldiers of the Islamic movement who are guided by the leadership cadre known as *al-ladhīna āmanū*.

In addition to these, there was another, much larger issue addressed by the Prophet (ﷺ) in what came to be called the Covenant of Madinah. He not only addressed the needs and concerns of his followers — the Muslims — but also those of the non-Muslims that included both the *mushriks* and Jews residing in Madinah and its surroundings. What kind of relations would the Muslims have with them, especially if an Islamic (ideological) State were to be established in which the non-Muslims did not have confidence, and why would the non-Muslims abide by the rules being implemented there? While no Muslim would dare to even think of disobeying the Prophet (ﷺ), the same could not be said about the non-Muslims. If they were convinced the rules being established in society would serve their interests as well, there would be greater likelihood of their deference. Befitting the just *sunan* of Allah (ﷻ) and His chosen executives, the Prophets (ﷺ), these rules were not imposed by force. The consent of all the people was sought and obtained; and the rules were written down as a testimony to each participating party's voluntary endorsement. This also highlights the leadership qualities of the Prophet (ﷺ); everyone accepted him as the leader and

agreed to follow the rules he ordained. It is to this aspect that we now turn our attention and analyze its importance in the establishment and consolidation of the Islamic State.

It must be borne in mind that such concepts as a state with a constitution, much less a written one, were not known at the time. The notion of a "social contract" between the state and its citizens was equally alien to them. Only tribal law, transmitted through an oral tradition, governed relations between members of society. To establish a state in such an environment and then implement its laws successfully was a remarkable achievement. Most people tend to follow the traditions they are accustomed to because they become part of life's routine, the repetition of which develops into a "comfort zone" whose boundaries people are unlikely to breach. Any idea or concept that is unfamiliar makes them feel uncomfortable and therefore, resistant to change. It requires a charismatic leader to motivate people to part with the old ways and adopt something new.

This is what the Prophet (ﷺ) achieved with the Covenant of Madinah. It is regarded as the first written document prepared under the directions of the Prophet (ﷺ). While it was the first written constitution given to mankind, it was not his first written document per se. Discussed earlier in Chapters 1 and 2 were his letter to the Abyssinian king, the Negus Aṣḥam, introducing his cousin Ja'far ibn Abī Ṭālib (رضي الله عنه) and seeking the king's help in providing sanctuary for the Muslims; and the written note given to Surāqaḥ ibn Mālik at the latter's request during the migration from Makkah to Madinah. The Covenant of Madinah, however, stands out as a unique document. It establishes the power and authority of the Prophet (ﷺ) even though the majority of people in Madinah had not become Muslims yet, and spells out the duties and responsibilities of all signing parties including the Prophet (ﷺ).

The 47-point charter that granted the same rights to the Jews as to the Muslims bears eloquent testimony to the Prophet's (ﷺ) deep sense of justice, fairness, and generosity. In Makkah the Qurayshī chiefs had not only tortured and brutalized the Muslims but also spared no effort in ridiculing the Prophet (ﷺ), describing him as "mad" and "power-hungry" (*nastaghfir-allāh*). In order to rationalize their rejection of his prophethood, they had even approached the Jewish rabbis in Yathrib requesting them to frame questions based on their knowledge of scripture. The Makkan chiefs believed that since the Prophet (ﷺ) would not be able to answer these questions, he would be "exposed." The three questions, narrated in *Sūrah al-Kahf*, were of course, answered fully when Allah (ﷻ) revealed to His Prophet (ﷺ) the details he could not otherwise have known. Although the obdurate Makkan *mushriks* continued to reject his prophethood despite the illuminating answers to the rabbi-inspired questions, the Yahūdī rabbis realized he indeed was the Prophet (ﷺ) foretold in their books, but this, like their Makkan allies, did not diminish their hostility. Despite their stubbornness the Prophet (ﷺ) extended to them a hand of peace when he arrived in Madinah, giving them respect as People of the Book. He granted the Jewish people the same status as the Muslims, far more favorable than that given to the *mushriks*, but as the Qur'an, Hadith, and Sīrah literature show, the Yahūd repeatedly violated their covenant with the Prophet (ﷺ) and missed no opportunity to undermine his mission or cause him harm.

Yathrib at the Time of the Hijrah

The Covenant of Madinah must be viewed against the backdrop of the conditions prevailing in Yathrib and the overall framework of life in Arabia at the time. The city's name derives from either the Arabic source word *t-r-b* — which may be associated with the ancient Yemenī cites of Turībaḥ and Turābaḥ, or the valley of Turbān located between Madinah and al-Ḥafīr — or the source word *th-r-b* — which could be related to an ancient fortress in Yemen, Tharabān.[9] After the migration of the Prophet (ﷺ), it was renamed Madīnaḥ al-Nabī (the Prophet's (ﷺ) city), or Madinah for short. Madinah was an oasis town with palm trees and lush gardens; agriculture was the mainstay of life. While the Madinan tribes were sedentary, life was not organized in the manner of Makkah where Dār al-Nadwaḥ was established for the city's notables to meet and discuss issues of mutual concern. Compared to Madinah where local tribal customs dominated the social atmosphere, Makkah was much more cosmopolitan; its affairs were more structured and its citizens were more familiar with peoples and customs of distant lands largely because trading caravans regularly took them in and out of the Peninsula and the Ka'bah brought in all sorts of visitors. Madinah was in a sense a sleepy political and social backwater.

Several tribes resided in Yathrib at the time of the Prophet's (ﷺ) migration. In addition to the two dominant Arabian tribes — the Aws and the Khazraj and their twelve sub-clans — there were three major Jewish tribes as well — Banū Qaynuqā', Banū al-Naḍīr, and Banū Qurayẓaḥ. They had 10 sub-clans and were allied with the Arabian tribes in a manner that virtually ensured perpetual conflict in Yathrib: Banū Qaynuqā' were allies of the Khazraj and lived inside the city while the other two, living on the periphery, were allied with the Aws.[10] The Aws and Khazraj tribes were bitter rivals even

though they were descendants of two brothers — Aws and Khazraj from the Yemenī tribe of Qaḥṭān.[11] They had fought numerous wars until finally exhausted by the Bu'āth War, which left them even more vulnerable to exploitation by the Yahūd. Their fortunes, however, changed when the Prophet (ﷺ) met a group of Khazrajī pilgrims during the Hajj in Makkah. Six of them embraced Islam[12] although, as Ibn Isḥāq narrates, two individuals — Suwayd ibn Thābit and Iyās ibn Mu'ādh — had preceded this conversion[13] prior to the outbreak of the Bu'āth War; these two earlier conversions had no visible impact on the other people in Madinah.

Following the conversion of the six Khazrajīs at the time of Hajj, Islam gained a tentative foothold in Madinah — a situation that proved to be more promising than the one in Makkah where scores of conversions had only served to increase the antipathy against the Prophet (ﷺ). In the ensuing year, seven more pilgrims accompanied five of those who had become Muslims the previous year, and they too accepted Islam in what came to be known as the First Pact of 'Aqabah. At their request, the Prophet (ﷺ) dispatched one of his companions and relatives, Muṣ'ab ibn 'Umayr (رضي الله عنه) of the 'Abd al-Dār clan, to Yathrib to teach them the Qur'an as well as to propagate the new Islamic message throughout the city. Muṣ'ab (رضي الله عنه) was so successful in his mission that a year later he led 73 men and two women to Makkah where these Yathribīs made a *bay'ah* (pledge of allegiance) to the Prophet (ﷺ). The group included leaders of the two principal Arabian tribes from Yathrib — the Aws and the Khazraj. This is referred to as the Second Pact of 'Aqabah.[14]

Islam had an immediate impact on life in Yathrib. Its acceptance by even a small number of people ended the bitter rivalry between the two tribes as members of both became Muslims. But it also led to some problems: the *mushriks* still

constituted a majority and viewed the introduction of Islam as creating new divisions within their ranks. More serious was the animosity it aroused in 'Abdullāh ibn Ubayy ibn Sallūl, who had been nominated, at the conclusion of the Bu'āth War, to become the king of all of Yathrib. While he belonged to the Khazraj tribe, their rival Aws, equally anxious for peace, had also agreed to accept him as their king. 'Abdullāh ibn Ubayy turned out to be a thorn in the side of the Muslims and missed no opportunity to undermine and betray them repeatedly, especially at the most critical moments. He even aligned himself with the Quraysh of Makkah against his fellow Madinans.[15]

In addition to their presence in Madinah, the Jewish tribes were particularly strong in Khaybar, their main base and stronghold, an oasis town north of Madinah. Its fertile lands made the inhabitants extremely rich. In Madinah, the Jews dominated commerce (sales and distribution) while the Arabians concentrated on agriculture (production), resulting in the oft-repeated "free market" scenario of the producers being indebted to the distributers. Because of the Jews' knowledge of scripture, the Aws and Khazraj considered them as their spiritual peers. However, the Jews felt differently about themselves; they frequently threatened the Arabians about the advent of a new prophet whose appearance, they said, would put an end to the Arabians' *mushrik* and errant ways. While the Yahūd knew the new prophet would appear in this area — hence their decision to settle in Yathrib — when he actually came, they refused to accept his message, assuming that he should have come from Banū Isrā'īl. Under the erroneous and racist illusion that Banū Isrā'īl owned prophethood, they spared no effort to undermine the mission of this Arab "imposter" *(nastaghfir-allāh)*. Despite such hostility, the Prophet (ﷺ) extended to them every courtesy and treated them with great kindness.

Jewish Presence in the Arabian Peninsula

In order to get a better handle on how long Jews have lived in the Arabian Peninsula, it would be advisable to look closely at the *tafsīr* of some of the first few *āyāt* of *Sūrah al-Ḥashr*. Because the Qur'an is not a reference point for most Muslims in laying out the facts of life, it has generally been forgotten that another name for *Sūrah al-Ḥashr* is *Sūrah Banī al-Naḍīr*. Reiterating facts mentioned earlier, Banū al-Naḍīr was one of three Jewish tribes in Yathrib at the time of the Prophet's (ﷺ) arrival there as head of state. *Sūrah Banī al-Naḍīr* was revealed in 4AH after both the Battles of Badr and Uḥud had been concluded. It talks about the hostile nature of these Yahūd to revelation, to Allah's Prophets (ﷺ), and to the systems of guidance brought down for humanity's benefit; in this manner it exposes some of the darkest human characters in history. Allah (ﷻ) says,

> All that is in the celestial spheres and all that is on earth extols Allah's limitless glory: for He alone is Almighty, Truly Wise. He it is who turned out of their homes, at the time of [their] first gathering [for war], such of the followers of earlier revelation as were bent on denying the truth. You did not think [O Muslims] that they would depart [without resistance], just as they thought that their strongholds would protect them against Allah. But Allah came upon them in a manner which they had not expected, and cast terror into their hearts; [and thus] they destroyed their homes by their own hands as well as the hands of the committed Muslims. Learn a lesson, then, O you who are endowed with insight! And had it not been for Allah's having ordained banishment for them, He would indeed have imposed [yet greater]

> **suffering on them in this world. Still, in the life to come there awaits them suffering through fire: this, because they cut themselves off from Allah and His Apostle. And as for him who cuts himself off from Allah and His Apostle, verily, Allah is severe in retribution! (59:1–4).**

In these *āyāt*, ***al-ladhīna kafarū min ahl al-kitāb*** or **"...the followers of earlier revelation [who] were bent on denying the truth"** refers to Banū al-Naḍīr and the context refers to why they were expelled from Madinah. The reasons for their expulsion from Madinah at the time of Muhammad (ﷺ) are the same as the reasons for their evacuation from Palestine during the prophethood of Mūsá (عليه السلام), pointing to the fact that their essential character has remained unchanged, never warming up to accepting the responsibilities assigned to them by Allah (ﷻ) and serial Prophets (عليهم السلام).

Banū al-Naḍīr and Banū Qurayẓaħ were cousins who traced their ancestry all the way back to Hārūn, the brother of Mūsá (عليه السلام). At a time when their ancestors were still in and around Jerusalem, Mūsá (عليه السلام) dispatched them on a military mission against the Amalekites in what today is known as the West Bank. On their way to the engagement, Mūsá (عليه السلام) passed away; upon hearing of his death, they returned to their homes in Jericho (Arīḥaħ) without doing battle with the enemy as Mūsá (عليه السلام) had commanded. For failing to live up to their military responsibilities, they were rejected by their own people and banished. So they left Palestine and resettled in the part of the Ḥijāz that came to be called Yathrib. Almost two millenia later, their descendants stealthily manipulated the opposition against the final Prophet (ﷺ) in the same way they had been troublesome for Mūsá (عليه السلام) after he delivered them from the oppression of Egypt's Pharaoh.[16]

When the Prophet (ﷺ) arrived in Yathrib, they entered into a general agreement with him along with all the other Arabian factions in the city. At the very least, they consented not to antagonize the Prophet (ﷺ) and not to enter into any hostile arrangements or alliances against the Prophet (ﷺ), his leadership, and the Islamic State in Madinah. At first, after the Muslims' victory at the Battle of Badr, they felt somewhat comfortable with the agreement they had signed with the Prophet (ﷺ) and even considered him to be the prophet foretold in their scriptures. However, when the Muslims were less than triumphant at Uḥud, these Yahūdīs began to reconsider their internal thoughts, suggesting that if Muhammad (ﷺ) was truly a man of God, he would never lose an engagement against the *mushriks*. Such thinking goes back to their racist, bloodline sense of entitlement where they felt that victory should be served up on a silver platter regardless of their spiritual or moral character on the one hand, and regardless of their military, political, and social commitment on the other. And so after Uḥud, they began reaching out to the *mushrik* stronghold in Makkah, hoping to reach an understanding with them, despite the fact that they had agreed with the Prophet (ﷺ) to not enter into an alliance with the Qurayshī *kāfirs*. To this end Ka'b ibn al-Ashraf went with 40 mounted individuals to Makkah from Madinah to develop an alliance with Abū Sufyān and the Quraysh who were at war with the Prophet (ﷺ) and the Islamic State.

After reaching a cozy position with Abū Sufyān, Ka'b confidently returned to Madinah, but the Prophet (ﷺ) knew what was going on and characterized Ka'b's action for what it was: treason. And thus the Prophet (ﷺ) tasked Muḥammad ibn Maslamah (رضي الله عنه) with eliminating the treacherous Ka'b ibn al-Ashraf for breaking the agreement he had entered into earlier by forming an alliance with the Qurayshī enemy.

When and how the other Jews, namely Banū Qaynuqā', came to dwell in Arabia, especially in Yathrib, is not entirely clear. Scholars differ regarding the date of their arrival but most trace their presence in Yathrib to their expulsion from Palestine in the year 135CE when the Romans crushed the second Bar Kokhba Revolt, thereby dispersing them "throughout the coastlands of the Mediterranean."[17] Some of them found their way into the Arabian Peninsula as well, settling in and around Yathrib. Jewish scholars cite 70CE as the beginning of their presence in Yathrib following the Jewish uprising in Jerusalem.[18]

After their expulsion from Palestine in 135CE, the Jews still faced a threat from the Byzantines, adherents of the East Roman Church who controlled al-Shām (present-day Syria, Lebanon, Palestine, and Jordan). The Byzantines repeatedly invaded Yathrib to try and wipe out the Jews but never fully succeeded, hence they struck an alliance with the Aws and Khazraj tribes to undermine Yahūdī influence. The Arabian tribes of Yathrib welcomed such a direct alliance not only because it conferred a higher level of importance on them, but also because the Jews held them in debt and exploited them economically by purchasing their agricultural produce for a pittance. Following this alliance, the Jews realized that their position would weaken because now they faced both internal as well as external threats, so they decided to align themselves strategically with the rival Aws and Khazraj tribes to keep them divided. In this they succeeded so completely that within a few years they dominated both the political and economic life of Yathrib, becoming its principal moneylenders.[19]

It was the Yahūdī leaders who had instigated the Bu'āth War between the rival Arabian tribes resulting in huge losses on both sides. Interestingly, while the Jewish tribes were aligned with the two warring Arabian tribes, they suffered rel-

atively few casualties. The Aws-Khazraj enmity ended only when some of them embraced Islam during their pilgrimage to Makkah. This also dealt a blow to the machinations of the Yahūdī leaders to divide them, hence their hostility to the Prophet (ﷺ) despite recognizing him as the bearer of the divine message. The Prophet (ﷺ), however, viewed them as People of the Book and as followers of a monotheistic faith, and believed they would accept his message recognizing its divine origin more easily than the *mushriks*. He made great efforts to cultivate their elites and rabbis, inviting them into al-Masjid al-Nabawī. The Prophet (ﷺ) engaged them in dialogue and conferred upon them the same position as the Muslims in the Covenant of Madinah.

Binding Important Constituencies into an Agreement

In Makkah, the Muslims were a persecuted minority; while there was no persecution in Madinah, they were still initially a minority and faced a new set of challenges. The Prophet (ﷺ) could foresee that the Qurayshī chiefs would not leave him in peace just because the Muslims had left Makkah and settled in Madinah. On the contrary, Muslim presence in Madinah was viewed as a serious challenge for two reasons: first, it provided the Muslims a base from which to operate, and second, the Makkan trade caravans en route to Syria had to pass nearby Madinah. If the Muslims gained a foothold and established a stable presence in Madinah, it would threaten a vital Qurayshī trade route and, therefore, undermine their dominant position in the Peninsula. The Makkans were not likely to allow this to happen, hence it was only a matter of time before they launched an attack against Madinah. The Prophet (ﷺ), foreseeing this, prepared for such an eventuality. The best way to defend Madinah was to create internal cohesion.

Given tribal divisions, this was not easy but through his wisdom and incomparable leadership qualities, the Prophet (ﷺ) was able to establish this *ittiḥād* fairly quickly without much opposition. It needs recalling that a majority of the people in Madinah had not yet accepted Islam, so getting their agreement to an arrangement in which the Prophet's (ﷺ) authority was recognized and accepted by all groups required great *ḥikmah*. It must also be pointed out that the Prophet (ﷺ) had no intention of allowing the Makkan traders free passage through the area. In fact, he was determined to impose an economic blockade on their trade but a prerequisite for this was the consolidation of his own power base in Madinah.

He achieved this through what came to be called the Covenant of Madinah. Some historians have used different names to characterize this agreement. Dr. Ḥamīdullāh, for instance, calls it a *command* or *order*. He bases his understanding on the meaning of the word *kitābah* used at the beginning of the Covenant.[20] R.A. Nicholson has described it as a *charter*,[21] while both Montgomery Watt and J.J. Saunders refer to it as *constitution*.[22] This author prefers the word *covenant* because it signifies an agreement between various parties.

Did the Prophet (ﷺ) consult others before compiling the Covenant of Madinah? Most Sīraḥ books are silent on this point but given his general approach in building commitment through a process of *ownership*, the Prophet (ﷺ) must have consulted the chiefs of Madinah and obtained their consent before committing to writing the charter that was finally established. Dr. Ḥamīdullāh points this out quoting references from hadith books.[23] The Prophet (ﷺ) had a clear vision about what he wanted to achieve in Madinah; a glimpse into his thinking was provided by what he told the pilgrims from Yathrib during the Second Pact of 'Aqabah in Miná (Makkah). He asked them to agree to a military pact in which

they would together "confront and repel aggression."[24] Even before arriving in the city, he had known about the Aws-Khazraj rivalry as well as the presence of Jewish tribes and their role in instigating conflict between the two Arabian power factions. He was also aware that there was no formal administrative or power structure like the one existing in Makkah. Getting people to agree to live under a formal arrangement was bound to pose a major challenge.

There were several other challenges the Prophet (ﷺ) faced in Madinah. These included but were not limited to:

1. preventing discord by creating internal cohesion and harmony in Madinah by a set of rules to which all parties would agree and adhere to;
2. defending Madinah against the much anticipated attack of the Quraysh; and,
3. engaging the numerous tribes west of Madinah — some of them strategically located along the trade route to Syria — and entering into alliances with them or, at the very least, convincing them to remain neutral in the event of conflict with the Quraysh of Makkah.

While the Muhājirūn were fully committed to fighting the would-be Makkan invaders, having experienced great hardships at their hands for 13 years, the Anṣār of Madinah had no direct enmity with them nor did they have an obligation to fight them. In fact some from among the Anṣār had alliances with the Makkan chiefs. Sa'd ibn Mu'ādh, leader of the Aws tribe, for instance, was an ally of Umayyah ibn Khalaf, chief of the Jumaḥ clan and a one-time master of Bilāl (ﷺ), whom he used to torture mercilessly. Bilāl (ﷺ) was ransomed by Abū Bakr (ﷺ) and relieved of the burden of slavery. Within six months of the migration of the Prophet (ﷺ) to Madinah, Sa'd ibn Mu'ādh went to Makkah to perform

'Umrah. As an ally, Umayyah ibn Khalaf was bound by tradition to provide him protection despite the objections of Abū Jahl who was already angry because the people of Madinah had provided sanctuary to the Prophet (ﷺ) and his companions. Further, the Madinans had vowed to defend him if Madinah were attacked but had no obligation to fight outside the city or to initiate hostilities.

Similarly, the Jewish tribes in Madinah had not pledged even that, much less fight against the Prophet's (ﷺ) enemies. If the Quraysh attacked Madinah, their target would be the Muslim migrants from Makkah, not the Muslim or non-Muslim Arabians of Madinah or the Jews. How all the people of Madinah were to be convinced to participate in the defense of the city was a matter that required delicate handling. It was in such early tentative days in Madinah that the Prophet's (ﷺ) great statesmanship emerged so clearly, especially through the Covenant of Madinah. One of the qualities of a great leader is his ability to foresee the future based on current behaviors and attitudes, and plan for it accordingly. The Prophet (ﷺ) was both the Messenger of Allah (ﷺ) and a leader possessing great ability and wisdom.

The Covenant was an important document as it outlined the rights and duties of each group as well as its allies. More significantly it signaled that all the power constituencies of Yathrib would coordinate their activities to manage the security of Madinah from within and without. This cooperative and complementary engagement between historical rivals was the genesis of the first Islamic Ummah, whose activities would be managed by the first Islamic State, guided by the quintessential leader, model, and patron: Muhammad (ﷺ). Let us consider the Covenant (refer to Exhibit 1 on the following pages) before we analyze its clauses in greater detail.

Exhibit 1 – The Covenant of Madinah composed shortly after the Prophet (ﷺ) arrived in the city.

In the name of Allah, the Mercy-Giving, the Merciful.

Article 1: This is a document [initiated] by Muhammad the Prophet [Messenger of Allah] between [the following agreeing parties]: the *mu'mins* and *muslims* from the Quraysh;[31] the people of Yathrib;[32] and those who followed them, joined them, and fought alongside them.

Article 2: That the [aforementioned] parties [in Article 1] shall henceforth constitute one *ummah* distinctive from all other peoples.

Article 3: The Muhājirūn from Quraysh constitute a self-contained, semi-autonomous constituency[33] that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 4: And [similarly], Banū 'Awf constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 5: And [similarly], Banū al-Ḥārith [from al-Khazraj] constitute a self-contained, semi-auto-

nomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 6: And [similarly], Banū Sā'idah constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 7: And [similarly], Banū Jusham constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 8: And [similarly], Banū al-Najjār constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*ma'rūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 9: And [similarly], Banū 'Amr ibn 'Awf constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civili-

ty [*maʿrūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 10: And [similarly], Banū al-Nabīt constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*maʿrūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 11: And [similarly], Banū al-Aws constitute a self-contained, semi-autonomous constituency that shall look after its own internally disadvantaged members with the kind of fair-minded civility [*maʿrūf*] and institutional justice [*qisṭ*] befitting [a relationship among] committed Muslims.

Article 12: And that the committed Muslims shall not abandon an overburdened person[34] amongst themselves except that they compensate him according to the accepted standard of living and provide for him, and offer him refuge; and that no committed Muslim shall take issue [pick a fight] with the *mawlá*[35] of another committed Muslim [who is junior to him].[36]

Article 13: And that the committed Muslims — who are conscious of Allah's power presence — shall be against anyone amongst their own who takes to aggression, or seeks an inclination toward aggression, or seeks infraction, assault, or corruption

among the committed Muslims; and [if such were to occur], everyone's potential will unite against the offending party even though he may be one of their [own] sons.

Article 14: And no committed Muslim shall slay another committed Muslim [in retaliation] for [his slaying of] a *kāfir*;[37] nor shall he give support to a *kāfir* against a committed Muslim.

Article 15: And that Allah's guarantee [of protection] is one and indivisible, so [he who is considered to be] the least of the committed Muslims is on par with the rest [in matters pertaining] to representation for them all;[38] and that the committed Muslims are complements of one another against all other men.

Article 16: And that whoever from the Jews merges with us shall be assisted and acclaimed; and none [of them] shall be offended and beleaguered.

Article 17: And that the truce and non-belligerency of the committed Muslims is indivisible: a *mu'min* does not break from the rest to enact a separate "truce" in matters pertaining to a struggle on a course to Allah, except under conditions of reciprocal equivalency[39] and mutual justice.

Article 18: And that each fighting force participating in our military campaigns shall be acknowledged in their sequential order.[40]

Article 19: And that all committed Muslims are equal to each other as they sacrifice/shed their blood for the cause of Allah; no one's blood is more precious than another's.

Article 20: And that the power-conscious, committed Muslims are on a path of perfect and meticulous guidance [from Allah]; and that no *mushrik*[41] is allowed to harbor wealth or persons belonging to Quraysh to the detriment of any committed Muslim.

Article 21: And that whosoever with foreknowledge and premeditation murders a committed Muslim shall be liable to the victim's next-of-kin; unless the latter are satisfied [with monetary compensation], the murderer shall be held to the law of retribution by the citizenry of committed Muslims — without default by the committed Muslims.[42]

Article 22: And that it is unlawful for a committed Muslim who has agreed to this document — and who is compliant to Allah and the eventuality of the Final Day — to assist or shelter a felon; and whoever does so shall incur the damnation of Allah and His wrath on the Day of Resurrection. And neither dismissal nor a swap arrangement[43] shall be acceptable from him.

Article 23: And that whatever issue you disagree upon must be referred to Allah and to Muhammad [for final judgment].

Article 24: And that the Jews along with the committed Muslims are to spend [for the public interest] during conditions of war.

Article 25: And that the Jews of Banū 'Awf are a [recognized] community alongside the committed Muslims — the Jews having their *dīn* and the Muslims having their *dīn*. This applies to [all] their dependents and their own selves, except for the unjust or the criminal [those in violation of the law] — they do harm to none other than themselves and their clan.

Article 26: And that the Jews of Banū al-Najjār are entitled to what the Jews of Banū 'Awf are entitled.

Article 27: And that the Jews of Banū al-Ḥārith are entitled to what the Jews of Banū 'Awf are entitled.

Article 28: And that the Jews of Banū Sā'idaḥ are entitled to what the Jews of Banū 'Awf are entitled.

Article 29: And that the Jews of Banū Jusham are entitled to what the Jews of Banū 'Awf are entitled.

Article 30: And that the Jews of Banū al-Aws are entitled to what the Jews of Banū 'Awf are entitled.

Article 31: And that the Jews of Banū Tha'labaḥ are entitled to what the Jews of Banū 'Awf are entitled, except if they are in violation of the law of the land

[the unjust and the criminal] — for such do harm to none other than themselves and their clan.

Article 32: And that Jafnaḥ is a bloodline of Tha'labaḥ and thus are entitled to the same.

Article 33: And that Banū Shuṭaybaḥ are entitled to what the Jews of Banū 'Awf are entitled, recognizing the accessibility of virtue and the abhorrence of vice.

Article 34: And that the clients of Tha'labaḥ have the same [legal] standing as Tha'labaḥ.

Article 35: And that likewise, the affiliates of Jews have the same [legal] standing as the Jews themselves.

Article 36: And that none of the foregoing [parties] shall constitute a military fighting force except with the permission of Muhammad; and that none shall be barred from exacting revenge for an injustice inflicted upon him. Whoever murders [another] does so to himself and his kin, except for he who has been oppressed, for Allah accepts this [re]action.

Article 37: And that the Jews shall bear their own expenses as will the Muslims. And that between them is [a pledge of] mutual assistance against whomever wages war on the signatories of this document; and that their relationship shall be one of mutual advice, counsel, and virtue rather than harm and aggression. However, no man is to be

held accountable for a crime committed by his ally; assistance is due to the party suffering oppression [not the one perpetrating it].

Article 38: And that the [aforementioned] Jews are to share in the financial dues alongside the committed Muslims during a state of war.

Article 39: And that the signatories to this document agree that Yathrib proper[44] is never to be a war zone.

Article 40: And that a neighbor's life is as sacrosanct as their own [lives], as long as he is not guilty of a felony or he commits no crime.

Article 41: And that no woman shall be given protection without the consent of her family.

Article 42: And that whatever may develop into a dispute or disagreement among the signatories to this document, potentially threatening its integrity, must be referred to Allah and to Muhammad, the Messenger of Allah (ﷺ) — as Allah remains the guardian of this document's truth and good will.

Article 43: And that neither the Quraysh nor any of its supporters shall be offered [any] assistance or aid.

Article 44: And that the signatories to this document are mutually bound to assist each other when Yathrib is under attack.

Article 45: And if they [occupants of Madinah] are called to a truce, they shall respond to terms of a fitting truce. And if, on the other hand, they [the *kāfirs*] call upon the committed Muslims for a truce, the Muslims shall be bound to do so, provided that a truce is not reached with those who maintain a war strategy against Islam as a *dīn*. And that every minor party to this document shall shoulder its responsibilities proportionately.[45]

Article 46: And that the Jews of al-Aws, as well as their clients, are entitled to the stipulations of this document on par with the other participating parties — with the absolute virtue inclusive therein. The honor and authentication of this document stands in contrast to its breach and violation. Any violator [of the document's terms] inflicts damage upon his own self. And Allah bears witness to the truth, validity, and honor of this document.

Article 47: And that this document shall constitute no protection for the offender or the criminal. Every movement into and out of Madinah is safe and secure except when it is done by an offender or criminal. And Allah safeguards persons of virtue and people who are conscious of His power-presence; and Muhammad is the Messenger of Allah (ﷺ).[46]

The Covenant of Madinah Launched the Islamic State

Before reviewing the articles of the Covenant, let us consider some salient features of what constitutes a state in contemporary political thought. A *state* is said to be "composed of the following four essential elements or attributes: population, land or territory, government, and sovereignty."[25] Other definitions include, "...the sovereign political entity of a fixed territory; the supreme civil authority recognized by a politically organized people of a given geographical area..."[26]

Western political theory considers "people" to be *sovereign;* even though the word *people* and how decisions are made on behalf of this group has never been clearly defined in Western representative mechanisms. Broadly generalizing with certain high-sounding platitudes — and this is how those who seek to grab power begin to weave in corrupt ideas into society's general psyche — the theory suggests that people are free to make all decisions based on their personal preferences exclusive of any other considerations, especially those related to the "oppressive" and "divisive" application of God's laws. People decide what is right or wrong at a particular moment in history. Thus, the death penalty, for instance, for what was previously considered to be a capital offense is no longer imposed in most Western societies. In the field of social behavior, Western ideas have become even more extreme since Western thought is subject to the ideological whims of certain groups of special interests at any given time. In the more extreme case, if a majority of people in a given territory were to decide to oppress a minority, then apparently no moral constraints could hold them back from legalizing it. In fact, such legal rationalizations of the "people" were used to exterminate the Native American populations as European-style nation-states emerged in the new world. Similarly, most Western societies do not consider marriage to be important

anymore and having children out of wedlock is now perfectly acceptable. The definition of family has also undergone numerous changes; there is no conception of what used to be called a traditional family.

Islam has a completely different perspective on these issues, particularly the concept of sovereignty. Man is not sovereign, only Allah (ﷻ) is. Man's position is that of the *khalīfaḥ* (representative, vicegerent, or trustee) of Allah (ﷻ) on earth; he is not free to do as he pleases. Man must abide by the laws ordained for him by Allah (ﷻ). Islam's laws are, therefore, not subject to human likes or dislikes at any particular time. In fact, the behavior of man is measured by the truth and not the other way around; the truth is self-validating and self-evident, requiring no support from any other source, not even a human one, or even support from influential humans. This is how Allah (ﷻ) has structured the truth; one only needs to think about it to understand it and such faculties are equally available to every human being — and this is what is truly liberating. During the schismatic political crisis which paralyzed the early *khilāfaḥ*, 'Alī ibn Abī Ṭālib (ﷺ) was asked by one of his companions, while both were on their way to Baṣraḥ (in Iraq), "Is it possible for 'Ā'ishaḥ, Ṭalḥaḥ, and al-Zubayr to agree on something wrong?" Obviously, the three personalities mentioned (ﷺ) are not lightweights in the formative Islamic history and this is why the question apparently carries so much weight. The Imam (ﷺ), unfazed by the human tendency of elevating its own importance above the truth, cleared up the confusion quickly and decisively,

> You are a man cloaked in confusion; for indeed the *ḥaqq* and the *bāṭil* are not to be known by [or defined by] the actions, potentialities, and ideas of men [no matter who they are]. Know the *ḥaqq*, [thereby] you

> will be able to identify those who live by it [the *ḥaqq*]; and know the *bāṭil*, [thereby] you will be able to identify those who support it [the *bāṭil*].[27]

This means that what is prohibited by Allah (ﷻ) cannot be made lawful by man nor can man prohibit what has been made lawful by Allah (ﷻ). This is not the only area where Islam's view is radically different from that of the West.

There is a finer point relating to territory. While territory is one of the requirements for a state, it is not essential from the Islamic point of view. In Makkah, the Prophet (ﷺ) did not have a territory under his control but he still had authority over the small group of people who followed him. The Makkan situation has been referred to as a "non-territorial" Islamic state.[28] In the book, *In Pursuit of the Power of Islam: Major Writings of Kalim Siddiqui,* Dr. Siddiqui writes "...the procedures and historical processes required to establish the Islamic State are inseparable parts of Islam. Islam, therefore, is incomplete without the Islamic State."[29]

Let us return to the generally accepted elements that constitute a state. A state is an area with defined borders wherein its laws apply. It also has leaders who are supposed to govern with the consent of the people. The state is required to provide protection to those living within its borders as well as to ensure their security and well-being. Such other requirements as food, education, and health are also considered part of the state's responsibilities. The people in turn support the state both through physical participation such as joining the army for its defense and through some form of taxation to bear the cost of administering its affairs. The requirements outlined above have evolved over centuries with various types of governments emerging; the duties and responsibilities of states toward their citizens are also well established now. As discussed earlier, such

concepts were unknown at the time of the Prophet (ﷺ), especially in Arabia where tribalism reigned supreme.

Did the state the Prophet (ﷺ) established in Madinah fulfill these requirements and what role did the Covenant of Madinah play in their fulfillment and how did it consolidate power in the hands of the Prophet (ﷺ)? Some scholars, like Muḥammad Badawī, have referred to the state in Madinah as the "oldest known form of *state* in the political organization of human history." In commenting on Dr. Badawī's work, Professor al-'Awwā adds his own note, "This is so [oldest state] because it established the principle of legality which means submission of state to rule of law, but making it superior to other contemporary political entities as well as those in preceding eras."[30]

Defining the Boundaries of the State

By declaring "*...that Yathrib is never to become a war zone*" (Article 39), the physical boundaries of the state were clearly defined. The designation of Madinah as a *ḥarām* (a place where war is to be avoided) not only elevated it to a status similar to that of Makkah but it also ensured peace within its boundaries and made it incumbent on everyone to defend it if any outside force attacked the city-state. Article 40 also extended sanctuary to the neighbors of the parties to the Covenant provided they did not commit any crimes and refrained from causing harm to others. Article 44 made it incumbent upon the people "*...to assist each other when Yathrib is under attack.*" The defense of the state was compulsory for all people, including the Jews, their allies, and clients, and, all the other tribes, be they Muslim or not, of any tribe. Article 17 further stipulated: "*...a mu'min does not break from the rest [Muslim or non-Muslim] to enact a 'separate' truce in matters pertaining to a struggle on a*

course to Allah." It similarly spelled out what each party's financial obligations were to bear the cost of any war. The Jews were expected to bear their own costs just like the Muslims (Articles 24 and 38). By identifying the Quraysh as the enemies of the Islamic State in Madinah, it was forbidden to give them or their allies any protection (Article 43). The prohibition was extended even to the *mushriks* as stated in Article 20: "*...no mushrik shall be allowed to harbor wealth or persons belonging to Quraysh to the detriment of committed Muslims.*" Naturally, once the Quraysh were identified as the enemy, those agreeing to the Covenant could not be allowed to enter into separate deals, otherwise it would undermine the defense of the Islamic State. That would constitute treason.

Leadership and Authority of the Prophet (ﷺ)

Leadership is one of the most important requirements for the proper functioning of a state or society. Prior to the Prophet's (ﷺ) arrival, there was no unified leadership in Madinah. Each tribal chief had his own followers and his decisions applied only to them. Naturally this resulted in perpetual conflicts in society. The Covenant established the leadership of the Prophet (ﷺ) in unambiguous terms. By stating at the very beginning (Article 1) that "*This is a document initiated by Muhammad the Prophet [Messenger of Allah], between [the following agreeing parties]: the mu'mins, and muslims from the Quraysh; the people of Yathrib and those who followed them, joined them, and fought alongside them...*," it confirmed the power, authority and leadership of the Prophet (ﷺ). He was the one who proffered the Covenant and those who joined it did so on the basis of accepting his leadership. All disputes were to be referred to him to be decided in accordance with the divine law (Articles 23 and 42). While the Prophet (ﷺ) always consulted the peo-

ple before making a decision, the tradition of multiple decision-makers in the same locality was eliminated. This naturally reduced the possibility of conflict because tribal rivalry was no longer a factor in decision-making.

This represented a paradigm shift in the way people conducted their affairs: from decisions based on personal or tribal loyalties to the principle of acting within the bounds of the divine law. Both in matters of personal disputes (Article 42) and for waging war (Article 36), they were bound by the authority of the Prophet (ﷺ) and could not initiate war without his permission. Article 36 in particular, placing complete authority in the hands of the Prophet (ﷺ) to declare war, was a radical departure from conventional practice. Hitherto, tribal chiefs autocratically took such decisions based on tribal interests. The Covenant established new rules: decision-making became the exclusive responsibility of the Prophet (ﷺ) as head of state in Madinah.

Each group's interests were protected without compromising fundamental principles. If people were convinced they were being treated fairly, they would participate in the defense of the city should it be attacked, the most immediate threat naturally coming from the Quraysh of Makkah. Similarly, the city's commercial interests had to be safeguarded while ensuring that everyone was treated fairly. Genuine peace would only be achieved if there was justice for all.

How was the unchallenged authority of the Prophet (ﷺ) accepted and implemented when the Muslims were clearly a minority in Madinah? And how did the Prophet (ﷺ) overcome the Yahūdī displeasure at the influx of such a large number of Muslim immigrants from Makkah? Two factors facilitated this. First, both the Aws and Khazraj tribes were thoroughly exhausted by endless wars and were looking for a way to establish peace in society. They had already agreed to make the

Khazrajī chief, 'Abdullāh ibn Ubayy ibn Sallūl, their king hoping this would formalize peace between them. Second, the arrival of Muslims led by the Prophet (ﷺ) immediately undercut the divisive Yahūdī influence in Madinah. Even the *mushriks* from among the Aws and Khazraj welcomed the Prophet's (ﷺ) fair and just dealings. It was impossible not to be impressed by this most gentle of Allah's (ﷻ) servants who was commissioned to elevate and perfect the *akhlāq* (manners) of all mankind.[47]

The Concept of One Ummah

An *ummah* is not a ready-made organization of people. It must be cultivated, nurtured, and all the individuals that make it up must conform to a unified objective. This is as true of *the* (Islamic) Ummah as any other *ummah* working to achieve a certain mission. Indeed Allah (ﷻ) relates an anecdote about Mūsá (ﷺ) in *Sūrah al-Qaṣas*, **"Now when he [Mūsá] arrived at the wells of Madyan, he found there a large group of men who were drawing water [for their herds and flocks]..." (28:23).** This **"large group of men"** is characterized by Allah (ﷻ) as an *ummah*, suggesting that the act of drawing water from a well for a herd of livestock is beyond the capacities of an individual but well within the combined abilities of a fraternity of people working together. Thus an *ummah* in a generic sense is many hands, one composition; many minds, one direction.

The key issue here is that an *ummah* in its formative stages does not consist of like-minded people — people who are on the same page so to speak. It is the common objective that aggregates their abilities and concentrates their capacities so that the sum of their coordinated individual exertions results in an expected outcome. Indeed there would be no

point to *building an ummah* if all the individuals were thinking the same way, if they all had already adopted the same problem-solving approaches, if they were from the same background, and if they had the same expectations from joint struggle. But, to collect people with different upbringings and mind-sets on a unified mission is not an easy task: it takes planning, it takes work, it requires conflict resolution mechanisms, it requires institutional channels of open communication, and it demands decisive leadership structures.

Developing a consciousness of Allah's (ﷻ) power presence, His authority, His omnipotence, and His oneness is a joint effort, a cooperative exercise; in short, it takes an *ummah*. In other words, for an individual with his limited abilities, no matter how extensive they may be, to achieve this is problematic; but the collective consciousness of an entire society dedicated toward such recognition makes this possible. In the socio-political and civilizational context, this means that an *ummah* in society is a group that practically understands the mission in a way that constrains it to subsume all its decisions, plans, strategies, and workflows to the overall goal of achieving the mission. All of the disparate characteristics of the people of Yathrib and the necessary requirements for them to behave as one unit committed to a mission came together in the Covenant of Madinah.

When the Prophet (ﷺ) arrived in Yathrib and immediately commenced with formulating the Covenant of Madinah so that its articles would become an obligation for all the signatories, the demographics of the city suggest that its population was around 10,000, less than 350 of which were Muslims.[48] Also, in broad strokes, the three major power constituencies were the Muslims, composed of the Muhājirūn and the Anṣār, the Jews, and the *ummīyūn* of Yathrib.[49] Therefore, comparably, the Muslims were decidedly in a minority. When

news reached the residents of Yathrib that the Prophet (ﷺ) was migrating there, the air of expectation indicated they all knew, even 'Abdullāh ibn Ubayy ibn Sallūl, the would-be king of Yathrib, that he was coming there as the undisputed leader despite the fact that his immediate followers, the Muslims, did not form anything close to a majority.

The Prophet (ﷺ) was not coming to Yathrib as a conqueror at the head of a huge army ready to subdue any opposition, lay waste to any resistance, or to ethnically cleanse or otherwise expel the local residents of Yathrib. In fact, he was coming there with only 73 followers from Makkah, at the invitation of some of the principal decision-makers from the Aws and Khazraj, who influenced the direction of public opinion in Yathrib, and who had earlier accepted Islam as a panacea to overcome their generational fratricide. They were impressed by the guidance coming from Allah (ﷻ) and the character of its impeccable representative in the person of the Messenger of Allah (ﷺ). And so, even before the Prophet (ﷺ) migrated to Yathrib, the groundswell of energy in the city — developed by the work of Muṣ'ab ibn 'Umayr (رضي الله عنه) and the early converts from the Aws and Khazraj — produced the expectation that the ones carrying the truth, and thereby the ones producing the most pacesetting ideas, that is the Muslims, would be the ones to shape the direction of transformational change in the city. It was well understood that even though the Muslims were in a minority, they would be the ones in the lead because they were the most qualified, and the Prophet (ﷺ) would be ahead of them all.

This is an exceedingly important point: the first Islamic *ummah*, the "one *ummah*" as it is characterized in Article 2, was composed mostly of non-Muslims — the Jews, the people of Yathrib, and those who followed them, joined them, and fought alongside them, all of whom had not yet become

Muslims! With the Covenant of Madinah, the Prophet (ﷺ) drew all the important power constituencies in Madinah, the vast majority of whom were not Muslims, into a singular momentum whose core objective was to ensure the security of Madinah. What magnanimity! What confidence that Allah's (ﷻ) guidance would ultimately reign supreme despite its modest beginnings! He did not say to them that they had to be Muslims in order to be recognized and represented; he did not exclude them because they had not yet committed totally to Allah (ﷻ). All the signatories who were now part of the new *ummah* in Madinah under the leadership of the Prophet (ﷺ) were given the same rights as the Muslims, though the Muslims were given an extra set of responsibilities (Articles 12–22) to acculturate the non-Muslims into the fairness, equity, and justice of Islam. Corrupt and tyrannical power cultures interested only in usurping the resources of subjugated peoples do just the opposite: they reserve all the "rights" for themselves and heap all the responsibilities on those they humiliate.

After securing the endorsement of the most powerful factions in Madinah — the Aws and the Khazraj — the Prophet (ﷺ) could have come down with the iron fist, recognizing the Muslims as the only important constituency and excluding all others from an exclusive *ummah* populated only by Muslims. He could have said that the only way a non-Muslim could enter into the *ummah* was through an endorsement by a current member of the *ummah*. He could have initiated class stratification similar to what we see today. But as the Messenger of Allah (ﷺ), he was not interested in replacing their previous deities with himself as the new deity, to be conformed to in the same way as they ought to have conformed to Allah (ﷻ), were they free enough, mentally and culturally, to do so. He was there to extend the Islamic benefit to all and sundry, regardless of whether the potential Muslims were

noblemen, slaves, sponsored individuals (*mawlás*), or women; at the same time, no article in the document suggests that anyone would be forced to become a Muslim, and goes even further by recognizing the Jewish *dīn*. He did not enact any immigration policy to prevent people in the outlying areas from becoming Muslims in an attempt to secure the potential future benefits of Islamic transcendence for the limited number of signatories to the document.

The Prophet (ﷺ) came to Madinah not to concentrate power in a plutocratic or autocratic class, but to distribute it and then to distill the newly burgeoning energies of the people into decisive action against tyranny, subjugation, and exploitation of all kinds, be it physical, mental, or psychological. By confidently building Islamic institutions of equity and social justice, by allowing all the residents of Madinah to participate in such construction, and by requiring their involvement in all important policy decisions, the Prophet (ﷺ) was only liberating the human inclination to gravitate naturally toward its Sustainer, and thus it was a fait accompli for the majority of Madinah's residents to become Muslims. And in time this indeed happened, less by the force of arms than by the force of conscience.

This was the *tarbiyah* of the Prophet (ﷺ): to give the people a recognition of *taqwá* while dealing with a sense of urgency using just means to accomplish legitimate ends. They would be required to learn their responsibilities and the correct associated behaviors while they were on the move. Their classroom would be the human experience of constriction, isolation, and lopsided warfare. Notice that the Prophet (ﷺ) did not start by building universities so that the early Muslims could be educated for decades in the "Islamic sciences" before they could be "trusted" to do the right thing and be "qualified" to make the right decisions. This is the kind of *tarbiyah* in

vogue today that has either separated and made aloof the Muslims from their social responsibilities, or relegated the intellectual cream of Muslim societies to being indoctrinated by secular ideological bases for transformational change.

It was the Prophet (ﷺ) who took the strategic initiative to acquaint the people of Madinah with an impending crisis. The hostility of the Quraysh had followed him to Madinah, and were he not to have taken effective measures to deal with the security threat, the city-state of Madinah would not have even registered as a blip in any historical timeline of the area. The overall strategic objective was to secure the newly established territorial entity called Madinah with an *ummah* dedicated to the achievement of this objective. And therefore every power constituency in the city was required to coordinate its efforts with the others so that all together could consummate this mission. Their approval of the document signified their understanding of this urgency, and the fact that one power constituency left to its own devices could not effectively resist the power of the Makkan *mushriks*. The means to accomplish this end was the Covenant of Madinah. It legitimized the political power of the Prophet (ﷺ).

For political power to be legitimate, its political ends must be moral and just. Politics, in general, concerns the exercise of non-military power to satisfy the needs of important constituencies in a social order (country, city-state, town, village, etc.). *Good* or *just politics* relies on soft power to secure the *legitimate* needs of the society's valid constituencies. For instance, a historically oppressed ethnic minority deprived of equal opportunity and discriminated against is a valid constituency because its needs are legitimate; on the other hand, a racially homogeneous majority that uses its numerical superiority to legislate against minorities is an invalid constituency because its needs are illegitimate. With this in mind, we

can say that *bad* or *corrupt politics* uses power to secure the special interests of constituencies that evolve for the sole purpose of concentrating wealth, promoting exclusivity, and restricting opportunity. In the geo-political situation of the Holy Land, bad politics has secured a place for the Israelis at the negotiating table in the "peace process" between the Palestinians and their occupiers. An "honest broker" would have no choice but to say that the Israelis and their American patrons do not belong in this place because they are invalid constituencies — and they are invalid because their needs are illegitimate. They can only be represented if their needs are legitimate. Having temporal power, especially in view of the fact that its historical exercise has been fraught with injustice and opportunism, is the worst excuse for legitimacy.

Overwhelmingly, the articles in the Covenant of Madinah are dedicated to meticulously identifying, by name, all of the important constituencies in the new social order of Madinah — the majority of whom were non-Muslims at the time the document became the law of the land. This was a giant leap forward for mankind as never before had a document been written that equally addressed the needs of all major constituencies, regardless of their geographic origin, status, race, color, or religion. In so far as managing the security of Madinah, all of their rights and responsibilities were delineated, none from amongst them would be supported in the commission of a crime, even by his own, and any unresolved disputes between them would be finally arbitrated by the Prophet (ﷺ) himself. This should be a lesson for all Islamic movements worldwide: that effective political reorganization coupled with institutional conflict resolution mechanisms always precedes successful military campaigns.

Compare this to the colonization of the Americas over 400 years ago and the occupation of Palestine 60 years ago,

where those who justified separating church from state also justified the means by the ends. In the first instance, neither was European Christianity invited to the New World, nor was European Jewry invited to the Holy Land. They both went as conquerors with the express purpose of confiscating the land and resources by ethnically cleansing the native populations and by subjugating others as slaves. Both also entered the territories they ultimately occupied as minorities; however they achieved majority status not by virtue of showing the natives how to do things in a better way or by staying true to the principles they now claim to uphold, but by killing, humiliating, and demonizing them until there were virtually none left. In their guiding documents, neither one of them included any natives as constituents with the result that the indigenous peoples were never represented, and thus for all practical purposes they had no rights and could be treated like animals or worse.

Why were the native populations not allowed to be represented? First, because an open "democracy" would have yielded unfavorable results. If the outcome of a referendum were to be binding on all parties, as is the case today in separating the southern part of Sudan from the north, then all of the European colonists in the Americas and the Zionists in Palestine would have been expelled forthwith; after the briefest of experience with them, none of the natives would have wanted anything to do with them. However, democracy has only been shown to "work" when constituencies are opportunistically manipulated, gerrymandered, or simply not recognized; and when military force suffocates the voice of all those potential constituencies who would choose a more legitimate path to fulfill their aspirations.

Second, the natives in the Americas and the Palestinians in the Holy Land were not recognized because of racism. They were considered to be inferior human beings or not human at

all, thus they deserved no rights whatsoever except to live for the purpose of serving the master. Thus the founding "principles" of the colonialist projects in America and Palestine were both exclusive and exclusionary, in practice and in spirit. Racism at its core is a crisis of confidence in what a human being stands for. If he stands for truth and justice, he has no problem in putting his principles to the test, and he has no qualms about defending them with logic, reasoning, and justification. He does not need the force of numbers or weapons to achieve widespread acceptance; all he needs is a liberated conscience and a thinking public mind to go with it. On the other hand, if all he stands for is self interest, no matter how much he dresses it up with high-sounding words and pompous rhetoric, then there is no way he can rationalize that position in front of other thinking minds. He cannot stand up for his principles because on the merit of those so-called principles, he cannot win in a peaceful discourse among sincere human beings. So he resorts to fear tactics, threats, and ultimately military force to achieve his objectives — what the rest of us recognize as the law of the jungle.

This universal law dominates where the lack of confidence in a person's own beliefs coupled with the sense of entitlement that comes with a supposition of being "born better" leads to the opposite reaction that exhibits itself as arrogance, hubris, and truculence. The contrast between confidence in Allah's (ﷻ) words as exhibited by the Prophet (ﷺ) and the racism characteristic of modern-day imperialism, and its historical cousin colonialism, could not be more stark. At the peak of Islamic expansion during the *khilāfah* of the third successor to the Prophet (ﷺ), 'Uthmān ibn 'Affān (رضي الله عنه), when the Muslims had gone from Andalusia to the Indian subcontinent, no more than 10,000 people — mostly soldiers defending corrupt and tyrannical monarchies — lost their lives. On

the other hand, since the Peace of Westphalia in 1648, when the nation-state model took root, something on the order of 360 million people have been literally exterminated, with entire tribes and peoples decimated leaving not even a chronicler to record their contributions for the posterity of succeeding human generations.

Those who made the secure commitment, that is, the *mu'mins*, whether the Muhājirūn from Makkah or the Anṣār of Madinah, the new Muslims of Madinah, and all the other people of Madinah (that is, the non-Muslim signatories) "*...henceforth constituted one ummah distinctive from all other peoples,*" according to Article 2 of the Covenant, establishing a new basis for relationship. This replaced tribal, local, and parochial loyalties with the quality of divine commitment as the basis for all social relations thus eliminating the potential for any discord on those bases. They were now part of a single community, that is, Islam gave them a new collective identity. Just as the first two articles of the Covenant established the brotherhood of the people of Madinah, referring to them as one *ummah*, Articles 12–15 and 17–23 outlined the extended responsibilities of those given the duty to lead — the *mu'mins*. For instance, Article 12 stipulated

> *...that the committed Muslims [mu'mins] shall not abandon an overburdened person among themselves except that they compensate him according to the accepted standard of living and provide for him, and offer him refuge; and that no committed Muslim shall take issue [pick a fight] with another committed Muslim just because he is a mawlá of another committed Muslim [who is junior to him].*

Thus, any *mu'min* in need became the responsibility of all the other *mu'mins*. Similarly, Article 15 stipulated that Allah (ﷻ)

"*...requires you to give sanctuary to the weakest amongst you; and that the committed Muslims are protectors of one another against all other men.*" This spelled out clearly that those who were weak and poor were to be helped by everyone, and the *mu'mins* close to Allah's Prophet (ﷺ) were to take the lead in setting the example. All *mu'mins* pledged to help each other through this Covenant.

Peace and Justice in Society

Peace is only possible in society if there is justice. Prior to Islam, there was little or no justice in the Arabian Peninsula; the strong oppressed and exploited the weak. That is why women and slaves were treated so badly. Through the Covenant, the Prophet (ﷺ) instituted justice as one of the basic principles of conduct in society. It was emphasized in several articles (3–15) to ensure everyone understood its importance. Similarly it was made incumbent in Article 13

> *...that the committed Muslims — who are conscious of Allah's power presence — shall stand against anyone amongst their own who takes to aggression, or seeks an inclination toward aggression, or seeks infraction, assault, or corruption among the committed Muslims; and [if such were to occur], everyone's potential will unite against the offending party even though he may be one of their [own] sons.*

Even if the son of a *mu'min* perpetrated such a crime, he was not to be protected or spared. Justice and unity of the committed Muslims took precedence over blood and tribal loyalties. This is a fundamental principle of Islam; it was witnessed in the Battle of Badr when fathers faced their sons, and

brothers confronted their brothers on opposite sides. The act of supporting your own even if they were getting ready to do something wrong no longer had any value; the Muslims' commitment was only to Islam, and as such they were prepared to kill their own blood relatives for their opposition to the Prophet (ﷺ) and their desire to eliminate his call to social justice, as embodied in the Islamic system — a call that was consistently repeated by all of Allah's Prophets (عليهم السلام) throughout the generations.

Compared to what they had faced in Makkah, this was a remarkable transformation in the situation of the Muslims. From a persecuted minority forced into exile by the Qurayshī chiefs, the Muslims were not only accepted but became the dominant power in Madinah and the Prophet (ﷺ) became the undisputed leader of the city-state. While Muslims were still a minority, it did not diminish the authority of the Prophet (ﷺ) in any way. All disputes were to be referred to him for resolution, that is, they would be decided in accordance with the laws prescribed by Allah (ﷻ).

One cannot help but ask why the Prophet (ﷺ) decided to institute the Covenant of Madinah and how he got the disparate groups in society to accept it. There was no written code of conduct, only the tribal law of vengeance and perpetual conflict, in society. The Prophet (ﷺ), however, had a clear vision and was fully aware of the mission entrusted to him by Allah (ﷻ). During the Second Pact of 'Aqabah, both the Prophet's (ﷺ) uncle al-'Abbās, who was not yet a Muslim but still supported his nephew, and As'ad ibn Zurārah (رضي الله عنه) from Yathrib, alluded to the fact that this was tantamount to taking on the powers of the East and the West. All those taking the pledge were asked to make sure they understood what it meant. It was not merely a question of accepting a few new precepts or indulging in some additional rituals; it was a

struggle for the supremacy of Islam and this meant taking on the powers of Makkah as well as those outside Arabia, such as the Byzantine and Persian empires.[50] Those making the pledge understood clearly what the message conveyed to them by the Prophet (ﷺ) meant: Islam had to be made dominant in society. This was not possible merely by preaching. It required establishing Islam as the dominant paradigm in society; that is, creating the Islamic State. True, life in Madinah did not become trouble-free immediately, but the fact that there came into existence a mechanism whereby disputes could be resolved amicably between contending parties was a major step forward.

Even more important was Article 17 of the Covenant. It defines limits on the behavior of the committed Muslims,

> *And that the truce and non-belligerency of the committed Muslims is indivisible: a mu'min does not break from the rest to enact a separate "truce" in matters pertaining to a struggle on a course to Allah, except in matters of reciprocal equivalency and mutual justice.*

This was meant to ensure that the Quraysh did not undermine the fledgling Islamic State in Madinah by entering into separate agreements with the people there. The Prophet's (ﷺ) reading of the situation was completely vindicated. Soon after arriving in Madinah, he was informed that the Quraysh had sent an emissary to 'Abdullāh ibn Ubayy in an attempt to instigate trouble against the Muhājirūn. The Prophet (ﷺ) personally visited the latter and convinced him not to align himself with the Quraysh. But that alone was not enough to deter the Makkans from using "black-ops" to destabilize the nascent Islamic State in Madinah. The Makkan adversaries may have been *mushriks* but they clearly understood the significance of

the Prophet's (ﷺ) message and the challenge it posed to their vested interests. The situation sounds familiar, much like the present-day *mushriks* — the US, Britain, Israel and other exploiters of the world — who by the threat or use of force preclude any independent voices from emerging in the societies they oppress through their proxies or who deviously maneuver people and countries away from self-determination.

In order to prepare for the inevitable attack of the Quraysh, the Prophet (ﷺ) established a clear basis on which the Muslims would conduct their affairs: no separate peace without the approval of the other parties to the Covenant would be permitted. This ensured that the Quraysh would not be able to divide the people of Madinah. One of the first requirements of successful defense is to create internal cohesion. In Madinah, the Muhājir-Anṣārī divide as well as the *munāfiqs* from within and the Yahūd could all have been venues of exploitation unless steps were taken to bind the society to specific rules. Even though the Jews agreed to become part of the Covenant, they violated their agreement at the first available opportunity. Each of the three tribes violated their Covenant obligations and tried to cause harm to the Muslims. Each one was dealt with on the basis of its level of treachery.

There were also other provisions in the Covenant that specifically referred to dealings (or non-dealings) with the Quraysh. These were meant to ensure that even the *mushriks* of Madinah could not strike a separate deal with the Quraysh since the latter were the enemies of Muslims. Articles 20, 43, and 44 specified the obligations of the *mushriks* in Madinah. For instance, "*...no mushrik shall be allowed to place under his protection against the interest of a mu'min, any wealth or person belonging to the Quraysh*" (Article 20), while Article 43 prohibited giving any protection to the Quraysh or their allies. Similarly, all parties to the Covenant were bound by the

agreement to assist "*...one another against whoever attacks Yathrib*" (Article 44).

While recognizing the rights of all — Muslims as well as non-Muslims — within the city-state, the Covenant also placed certain obligations upon them. This was a new phenomenon for the Arabians but it bound them to a certain set of rules required for successfully conducting the business of state. One such rule was that individuals or groups would not be permitted to enter into separate arrangements with the enemies of the state. Today, this may be standard practice but it was not practiced during the time of the Prophet (ﷺ) when people had little conception of the existence of a state, much less any understanding of how it functioned. Similarly, much like the behavior of most nation-states today, people only looked after their immediate interests; they had little appreciation of any obligations toward others. The Covenant established new rules that may initially have been difficult to comprehend fully but their utility soon became apparent when the benefits began to accrue to the agreeing parties. Articles 12 and 15 in particular emphasized the importance of helping those who were destitute. It was stated as an obligation to assist those in need.

Another important feature of the Covenant was that the Jews were recognized as a distinct scriptural community and given equal status with the Muslims. Article 16 stipulated, "*And that whoever from the Jews merges with us shall be assisted and acclaimed; and none [of them] shall be offended and beleaguered.*" A more equitable arrangement could not be envisioned; even people of scripture, not unlike their scriptureless Arabian allies, were committed to tribal and clan loyalties but the Covenant eliminated such differences by raising the signatories above these narrow considerations. A number of other articles specified the rights of the Jews who were allied to the

indigenous Arabian tribes. In case of war, each group — Muslims and Jews — were required to spend their own resources in order to equip themselves for battle. Article 37 was even clearer, stating,

> *And that the Jews shall bear their own expenses as will the Muslims. And that between them is [a pledge of] mutual assistance against whomever wages war on the signatories of this document; and that their relationship shall be one of mutual advice, counsel, and virtue rather than harm and aggression. However, no man is to be held accountable for a crime committed by his ally; assistance is due to the party suffering oppression [not the one perpetrating it]".*

Even the clients of the Yahūd were granted these rights. Nothing could be fairer.

Why was the Prophet (ﷺ) so keen to confer upon the Jews the same status as the Muslims, one that was even above the non-Muslim Arabians? He clearly saw these claimants to previous scripture as monotheists — that is, those who commit to the authority/divinity of the One God — and therefore, placed them on par with the new people of scripture, the Muslims. After all, the relationship between the Muhājirūn and the Anṣār was based not on blood ties but on the basis of commitment to Allah (ﷻ); the same principle applied here even though the Jews had not yet acquiesced to the Messenger of Allah (ﷺ). He hoped that once they understood the message he had brought, they, as monotheists, would see, like the Christian al-Najāshī of Abyssinia, that the Qur'an was only confirming and corroborating the truth they had already come to accept through the agency of Mūsá and the Prophets (عليهم السلام) who came after

him. While they recognized the truth, their jealousy got the better of them. One of their rabbis, 'Abdullāh ibn Salām (ﷺ) from Banū Qaynuqā', who embraced Islam, told the Prophet (ﷺ) that his people and their leaders knew the truth of his prophethood but refused to accept it.[51] In several Qura'nic *āyāt*, Allah (ﷻ) tells the Prophet (ﷺ) to ask the Jews what their own book, the Torah, says about the advent of the last prophet and whether he embodies the qualities outlined therein (7:157, 61:07).

In addition to the Covenant, the three major Jewish tribes also later entered into separate agreements with the Prophet (ﷺ). Their principal obligation was not to enter into any independent alliance with the Quraysh against the people of Madinah. The leaders of the Jewish tribes begrudgingly accepted this as they were now coming to resent the Muslims' dominant role in Madinah, which undermined the strong and divisive Yahūdī influence prior to the arrival of the Prophet (ﷺ). The Jews were not asked to join the Muslims in any battle against the Makkan *mushriks*; their only obligation was to remain neutral. Yet they were not prepared to adhere even to this reasonable demand. After all, they too were residents of Madinah and this naturally entailed certain obligations toward the city's safety and security, yet they violated the Covenant at the first opportunity. Banū Qurayẓah even conspired with the confederates who had laid a month-long siege on Madinah in the 5th year of the Hijrah.[52] It was the Prophet's (ﷺ) leadership that steeled the Muslims' resolve so that they would not lose hope, thereby saving the city from certain ruination during the Battle of al-Aḥzāb (33:9–27).

We need not detain ourselves here with the issue of how the Yahūd should have been dealt with following their treacherous behavior. Other writers have treated this issue in great detail, providing different perspectives on it.[53] Our primary

concern here is with the Covenant of Madinah that was in written form and created the basis for agreement between the different groups residing in Madinah and its environs. It was this document that transformed Madinah from a hamlet in the bush to a city-state and made it into an abode of peace.

On the Treachery of the Yahūd

Peace is a by-product not of the absence of conflict, but of the presence of justice. It is probably impossible to measure the amount of peace in a society; however, issues of justice can be measured and adjudicated. Most of us are familiar with these mechanisms in the form of courts, the execution of contracts, public hearings, etc. A high level of social justice is indicative of how much at peace the society is. In analyzing the Covenant of Madinah, many Muslims tend to focus on its pluralistic qualities of tolerance, mutual respect, joint obedience to Allah (ﷻ), supporting the weak regardless of which constituency they come from, and sharing in the costs of security. However, in as much as they champion these virtues as being reflective of the essence of Islam — especially when the Muslims are portrayed as being uncooperative, irrational, contemptuous, stubborn, and irascible — they simultaneously tend to shun with almost the same level of passion the threads of implied justice interwoven throughout the articles of the document, especially where it concerns the treatment of the Yahūd.

Mercy definitely tempers justice; and while a more merciful man never walked on the face of the earth, the Prophet (ﷺ) was still required to be a man of principle and purpose. Where mercy could have substituted for punishment, he would have certainly opted for it, because he was sent as a mercy for all the worlds. At the same time, it could be said that in those instances where he ordered punishment, it was a

mercy for those who received it as a compensation for their crimes — when the full spectrum of life and afterlife is taken into account. And it was a mercy for the others around, who were educated by the example of the Prophet (ﷺ), that were the punishment for treachery to be countermanded with clemency, it would cause the rest of the peaceful justice-oriented society to endure an unsettled and unstable situation in which it would constantly have to watch out for the treacherous ones within. The perfect example of the Prophet (ﷺ) showed us how to balance the imperatives of justice with the tenderness of mercy; indeed he said about himself,

> *I am the prophet of mercy, and the prophet [who offers the people the opportunity] of repentance, and the prophet of heroic [war] epics.*[54]

The Yahūd of Madinah were the first to test the Prophet's (ﷺ) resolve, determination, and decisiveness. Their historical character of persecuting and ridiculing their prophets and thumbing their noses at the guidance they brought from Allah (ﷻ), which exhibits itself today as Zionism and Israelism, goes all the way back to the time of Prophet Jacob (عليه السلام). Some background on Banū al-Naḍīr has already been given. They were ultimately expelled from Madinah for a series of provocations, betraying their oath and fidelity to the Prophet (ﷺ) and the other signatories to the Covenant. The first of these was Ka'b ibn al-Ashraf's treasonous rapprochement with the Quraysh — a direct violation of Articles 13, 20, and 43 — for which he paid with his life. Article 43 states, "*And that neither the Quraysh nor any of its supporters shall be offered [any] assistance or aid.*"

The second major affront, which escalated into an attempt on the life of the Prophet (ﷺ) himself, is related to an

incident involving 'Amr ibn Umayyaḥ al-Ḍamrī (ﷺ) who was captured and then released in Makkah. On his way back to Madinah, he came across two individuals from the Banū 'Āmir tribe, which had earlier taken him captive, but these two were not the ones who were guilty of making him a prisoner for ransom. Collective punishment was a prevalent form of vengeance in *jāhilīyaḥ*, and all the Arabian tribes were very used to it. Even the early Muslims, who had not been long out of *jāhilīyaḥ*, were not completely attuned to the Islamic ethic of restraint and proportionality. They were all a work in progress who were learning as they made mistakes, which were corrected from on high by the revelation coming to the Prophet (ﷺ). And so 'Amr killed both of these innocents in cold blood.

As the two killed persons were not guilty of any crime against 'Amr, the Prophet (ﷺ) determined that the crime was murder, and under the terms of the Covenant, the bereaved families were entitled to financial compensation from the Muslims (Article 21). But the Islamic public treasury did not have enough funds to adequately compensate the relatives of the two who were murdered. Hence the Prophet (ﷺ) was obliged to solicit financial assistance from Banū al-Naḍīr, as Articles 24, 37, and 38 of the Covenant make clear. They asked the Prophet (ﷺ) to wait outside the wall of one of their fortified strongholds on the outskirts of Madinah while they deliberated on the matter. As he was waiting on their decision, Allah (ﷻ) informed the Prophet (ﷺ) that members of Banū al-Naḍīr were hatching a plot to kill him by dropping a heavy rock on his head from the top of the wall. And so not only had Banū al-Naḍīr entered into a political and military understanding with the Quraysh, and not only had they reached an agreement with 'Abdullāh ibn Ubayy ibn Sallūl who promised them that he would authorize 2,000 fighters to

defend them, they now tried to kill the head of the Islamic State, who was himself a prophet. Not being the first time this happened, their treacherous historical character was once again put on display,

> **Certainly, Allah has heard the annunciation of those who said, "Verily, Allah is poor while we are rich." We will register their affirmation, and their unjustified murder of prophets; and We will say, "Taste the torment of the flame. This is due to what your hands have obliged." Indeed, Allah does not mistreat human subjects (3:181–182).**

> **And so, [We punished them] for the breaking of their pledge, and their refusal to acknowledge Allah's messages, and their slaying of prophets against all right, and their boast, "Our hearts are already full of knowledge," rather Allah has sealed their hearts in result of their denial of the truth, and [now] they believe in but few things... (4:155).**

The Prophet (ﷺ) immediately went back to Madinah, assembled a fighting force, and came back to lay siege on the fortifications of Banū al-Naḍīr. When the Muslims surrounded these duplicitous Yahūdīs militarily, they found themselves all alone as those who had pledged to come to their aid — the *mushriks* of Makkah and the *munāfiqs* of Madinah — went back on their word. Seeing no other way out of their predicament, they tried to pay their way out, showcasing another one of their loathsome characteristics. But the Prophet (ﷺ) did not accept their offer; instead, he permitted them to leave with their lives and only one camel per three families to load as much as they could of their possessions on it. All the rest of

what they possessed had to be left behind as a compensation for their deceit and perfidy. The majority of them resettled in Khaybar, and the balance went back to Palestine.

The story of Banū Qurayẓah and their unfaithfulness during the Battle of al-Aḥzāb is well known and does not need to be retold in great detail here. Suffice it to say that the men of the tribe were executed and the women and children were banished after an arbitrator whom they had chosen — Sa'd ibn Mu'ādh — had pronounced judgment against them because they had violated the Covenant they had pledged to honor. In his excellent book *Islam and the Problem of Israel*, Dr. Ismā'īl al-Fārūqī sums up the Madinan Jewish engagement with the Prophet (ﷺ) in relation to the Covenant,

> The Prophet sought no quarrel with them. The Covenant of Madinah invoked God as its Guarantor, and this was confirmed in revelation. The Covenant was already a working constitution. Islam had previously voiced all its critique of Judaism as religion and culture, and most of the Jews had not converted to Islam. For over two years, these Jews had practiced their faith in freedom and dignity. Their political behavior, however, was a different and very grave matter. That is why the judgments pronounced against them varied proportionately to the gravity of the danger to which their plotting exposed the Islamic polity: banishment with permission to carry their wealth away in the first case [Banū Qaynuqā']; in the second, banishment without such permission [Banū al-Naḍīr]; in the third, execution of the able-bodied males convicted of high treason [Banū Qurayẓah]. The judgments had *ipso facto* nothing to do with Judaism, the religion. Others, Muslim and

> non-Muslim, have been guilty of similar crimes and received the same judgment. That is also why, following the death of the Prophet, when the Jews who were banished from Madinah and settled in the North came once again under Islamic dominion, the precepts of the Covenant of Madinah were reapplied as if nothing had happened before.[55]

The last word in this whole affair between the Jews of Madinah and the Muslim followers of the Prophet (ﷺ) belongs to Allah (ﷻ),

> Verily, the vilest creatures in the sight of Allah are those who are bent on denying the truth and therefore do not make a secure commitment [to Allah]. As for those with whom you have made a covenant, and who thereupon break their covenant on every occasion, not being conscious [of Allah's corrective justice], if you find them at war [with you], make of them a fearsome example for those who follow them, so that they might take it to heart. Or, if you have reason to fear treachery from people [with whom you have made a covenant], cast it back at them so as to be on equal footing: for, verily, Allah does not love the treacherous!
>
> And let them not think — those who are bent on denying the truth — that they shall escape [Allah]; behold, they can never frustrate [His purpose]. Hence, make ready against them whatever force and war mounts you are able to muster, so that you might deter thereby the enemies of Allah, who are your enemies as well, and others besides them of whom you may be unaware, [but] of

whom Allah is aware; and whatever you may expend in Allah's cause shall be repaid to you in full, and you shall not be wronged (8:55–60).

Madinah as a Ḥaram (Sanctuary of Peace)

Yathrib, soon to be renamed Madīnah al-Nabī (the Prophet's (ﷺ) City), was declared a sanctuary *"for the parties of this Covenant."* This bound all those agreeing to the Covenant to maintain peace and harmony in society and to safeguard it from outside aggression. The concept of *ḥarām* (the holy sanctuary where fighting is forbidden) is rooted in Islam and is based on the guidance of the Qur'an. Just as the Ḥaram of Makkah was a safe sanctuary and every kind of warfare, altercation, or lewd conduct was and is prohibited within its boundaries (2:197), so, too, was Madinah declared a *ḥarām*. The immigrants from Makkah were already familiar with this concept since they observed peace within the boundaries of the Ḥaram in Makkah; for the people of Madinah, however, this was a new, but welcome, practice — one they readily accepted since it ensured safety and security in their city as well. An additional advantage was that it established the spiritual and political boundaries of Madinah.

Even though he enjoyed undisputed power and authority, the Prophet (ﷺ) neither declared himself king nor a chief of the Quraysh or the Muslims, according to the customs of the time. The only privilege, if it could be called that, he allowed himself was that in case of a dispute between different groups or individuals, he would be the ultimate judge to resolve the matter according to Allah's (ﷻ) divine Writ. This was based on his authority as the Messenger of Allah (ﷺ). Similarly, in the matter of the security of the city-state, that is, in the declaration of war, his was the final say and had to be accepted by all.

Naturally, there had to be someone in authority to decide on these matters. Such a decision and the responsibility of its consequences would have to be referred to the head of state, and not to a council of tribal chiefs; and as the Messenger of Allah (ﷺ) he assumed responsibility for this vital function.

But as we know from the manner of his conduct, he did not impose his will on others. Prior to the Battle of Uḥud, for instance, while his preference was to defend the city from within, the majority wanted to fight out in the open on a common battlefield. He deferred to their decision. One would be hard pressed to find another example of this kind of acceptance of others' opinions, one moreover that would turn out to be detrimental to the Muslims. But the Prophet (ﷺ) did not reprimand those who disagreed with him. In the Battle of Uḥud, the Muslims initially overwhelmed the enemy forces but their ultimate defeat came at the hands of the archers who, upon leaving their strategic position, violated the Prophet's (ﷺ) command, forcing the Muslim infantry to fight on two fronts. The Prophet (ﷺ) used the defeat as an opportunity to make them understand that the information and command coming from the Messenger of Allah (ﷺ) was more important than any other consideration.[56]

In the contemporary era, the idea of a state with a constitution does not appear out of the ordinary; it is considered the norm. This was not the case at the time of the Prophet (ﷺ). People were not familiar with such concepts as a state and constitution; they did not adhere to formal rules established through a written charter administered by a central authority. The consent of the governed was even more unfamiliar; people adhered to tribal customs and had little or no respect for the rights of others. In fact, attacking and confiscating others' possessions by force, including their women and children, was common. True, on the peripheries of Arabia there were sever-

al kingdoms but they too did not care for the rights of their people; the word of the king, often quite arbitrary, was the law. Dissenters were ruthlessly suppressed or eliminated. In Madinah, the Prophet (ﷺ) enjoyed sufficient authority and power to have had his will imposed on his constituents but he did not do so. Instead, the policies he instituted secured the willing consent of everyone in Madinah, including those who were not Muslims.

Review of Some Contemporary Constitutions

In the 14 centuries since the time of the Prophet (ﷺ), ideas of state, authority, lawmaking, and other instruments of governance have become well-known and established. A quick glance at the constitutions of some modern states would provide a better understanding of how they compare with the Covenant of Madinah promulgated by the Prophet (ﷺ) 1,400 years ago. Almost every country in the world today has a constitution or some kind of governing document. This extends even to organizations; they usually draw up a charter that defines how their activities will be managed in order to achieve a set of objectives. Such a document, formulated and agreed to by the representatives of the people or those possessing authority among them, is supposed to regulate relations in society and determine areas of responsibility for various branches of the establishment: executive, judiciary, and the legislature. It normally spells out the division of power and what limits are imposed on its use.

Despite its importance, some countries even today do not have a written constitution and rely instead on a number of statutes. Britain, New Zealand, Canada, and Israel fall into this category. None of them has a written constitution although they have various other instruments that govern

rules and conduct in society. The British constitution is based on the Magna Carta (The Great Charter) of 1215CE and such laws as may be passed by parliament or the rulings given by judges (also known as *common law*).[57] The Magna Carta was only enforced for a few months before it was violated by the king; it was subsequently reissued with revisions three times in 1216, 1217, and 1225, but nearly all of its provisions were reversed by new laws and the bulk of it is ineffectual today. Like Britain, Canada too does not have a written constitution. Until 1982, laws passed by Canada's parliament were ratified by Britain and became law only when they received formal assent from the Queen or her representative in Canada, the governor-general. In April 1982, Canada "repatriated" its constitution and established the Charter of Rights and Freedoms. This document outlines freedom of religion and the basic rights of the individual although the British monarchy remains Canada's head of state.

The American Constitution is often referred to as a model for other societies. The US Declaration of Independence of July 4, 1776, drawn up by the representatives of 13 states that formed the new union, states inter alia, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of Happiness."[58] These are fine words but the reality was very different for many people under their jurisdiction. The very people who talked about "all men being created equal" and asserted "they are endowed by their Creator with certain unalienable rights," did not extend such rights to the (black) slaves of African origin, women, or the landless peasants, not to mention the Native Americans. Women had to struggle to get suffrage that they finally won only in the 1920s. African Americans had no liberty by virtue of being slaves and had to struggle even longer to

end segregation. This did not materialize until 1964 and not before millions of blacks marched in the streets of US cities suffering such barbaric practices as having dogs unleashed against them, being hosed with water cannons, or being shelled by tear gas cannisters; in many instances, they were either beaten or shot to death by the predominantly white police. Despite a "legal" end to segregation laws and practices, discrimination has not disappeared; racism is deeply entrenched in the American society and psyche. One only has to consider the large number of blacks, out of proportion with their population, incarcerated in US prisons; for the same crime, a black person is twice or three times more likely to end up in prison than a white person.

Finally, the Native Americans were always considered outsiders on their own land; they were willfully exterminated by the dominant racists of European origin. Today, what is left of them, survives on "reservations;" much of America's nuclear testing, underground or otherwise, has taken place close to areas inhabited by descendants of Native Americans, leading to uncurable health issues to which the state has turned a blind eye. This is the longest running genocide in modern history — over 500 years — and continues to this day. But then again, constitutions formulated upon the sovereignty of man rather than the authority of Allah (ﷻ) prefer slogans over just solutions and platitudes over permanent peace.

Closer to the heartland of Islam, another entity, the Zionist State of Israel is touted as a "model democracy" in a sea of dictatorships in the Muslim East. While the charge against Middle Eastern tyrannies is valid, it is neither the fault of Islam nor that of Muslims. These tyrannies exist precisely because the Islam-hating Western governments back their Middle Eastern proxies with military, economic, political, and diplomatic support. The masses would rather have Islamic govern-

ments that truly reflect their aspirations. Similarly, Islam is opposed to governments imposed on the people; there is absolutely no room for dictatorship in Islam although Muslims have had more than their share of dictators throughout history and have paid a heavy price for resisting them. But let us examine the claims of the "only democracy" in the Muslim East a little closer. Two points would suffice: first, the benefits of democracy do not extend to non-Jews within society. They are not only treated as second-class citizens (in reality fourth class, if one were to take into account the deep racial and religious divisions existing in the Zionist State) but also they have no access to certain lands, as they are reserved exclusively for Jews. This means that the Jewish State is a *demographic* state, not a *democratic* one, meaning that a Jewish majority must always be maintained. This has generally been accomplished by what they characterize as a "transfer" of the historial inhabitants — the Palestinians. Second, this "democratic" utopia has no defined borders, the only state of its kind in the world. It has pursued an aggressive policy of expansionism not only in Palestine but also in neighboring states, expelling the indigenous population through a continuing campaign of terror and cold-blooded murder. It is also worth mentioning that the Zionist State came into existence in 1948; that is, it is a creation of 20th-century colonialism. In this age of so-called enlightenment and modernity, such blatant racism and hypocrisy far surpasses the excesses of many primitive societies.

Before we leave this subject, it would be worthwhile to consider the practices of the present-day rulers of the Arabian Peninsula, the place where Allah's last and final Messenger (ﷺ) was born and where the first Islamic State was established. The land referred to by the noble Messenger of Allah (ﷺ) as the Arabian Peninsula is today called "Saudi Arabia," as if it is a piece of real estate owned by the family of Saud. This

Arabian family has declared itself a monarchy even though the blessed Messenger of Allah (ﷺ) never declared himself king despite being the last and final Messenger of Allah (ﷺ) and despite the fact that there were prophet-kings before him such as Yūsuf, Dāwūd, and Sulaymān (عليهم السلام). Kingship was not unknown in Madinah or indeed elsewhere in the Peninsula. When the Prophet (ﷺ) migrated to Madinah, plans were afoot to declare 'Abdullāh ibn Ubayy ibn Sallūl the king of all the tribes of Madinah, but these had to be shelved with the arrival of the Prophet (ﷺ). There were also monarchs and kings in the lands surrounding the Arabian Peninsula.

The land the Prophet (ﷺ) graced with his presence is today referred to as the "Kingdom of Saudi Arabia." What a travesty. Did Allah's Messenger (ﷺ) ever characterize the area as "Muhammadi Arabia?" Instead of a representative government obeying the laws of Allah (ﷻ), there is a self-imposed monarchy answerable to no one except perhaps their American and Israeli masters. In March 1992, then ruler King Fahd ibn 'Abd al-'Azīz "granted" a constitution, containing 87 articles, to the kingdom. Article 1 states "The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God's Book and the Sunnah of His Prophet, God's prayers and peace be upon him, are its constitution..."

Under Chapter 2, titled "Monarchy," Article 5 outlines the system of government, who will rule, and how succession will take place. It says that,

a. the system of government in the Kingdom of Saudi Arabia is that of a monarchy.
b. rule passes to the sons of the founding king, 'Abd al-'Azīz ibn 'Abd al-Raḥmān al-Fayṣal Āl Sa'ūd, and to their children's children. The most upright among them is to receive allegiance in accordance with the principles of the Holy Koran and the Tradition of the Venerable Prophet.

c. the king chooses the heir apparent and relieves him of his (other) duties by Royal order.
d. the heir apparent is to devote his time to his duties as an heir apparent and to whatever missions the king entrusts him with.
e. the heir apparent takes over the powers of the king on the latter's death until the oath of allegiance is carried out.[59]

If "God's Book and the Sunnah of His Prophet, God's prayers and peace be upon him, are its constitution..." why is it called a kingdom and the form of government a monarchy? The Prophet (ﷺ) did not establish a monarchy in Madinah although he was the prince of the whole of Arabia through his noble family lineage and his upright character. He insisted on calling himself the Servant and Messenger of Allah (ﷺ). The Prophet (ﷺ) led a simple life, often going without food for days. The rapacious extravagance of the House of Saud would put even the Pharaohs to shame. How can the present-day rulers of Arabia claim to be following "God's Book" and "the Sunnah of His Prophet?" What *āyah* provides justification for monarchy as a form of Islamic government? *Al-khilāfah al-rāshidah* never claimed the title of kings or monarchs either. Islamic scholars are unanimous on the point that the conversion of *khilāfah* into *mulukīyah* subverted the Islamic system of governance. The House of Saud is clearly not following the Sunnah of the Prophet of Allah (ﷺ) by declaring their state a kingdom with a monarch to rule over the people. Further, the Saudi practice of rule passing "to the sons of the founding king, 'Abd al-'Azīz ibn 'Abd al-Raḥmān al-Fayṣal Āl Sa'ūd, and to their children's children," has no sanction in Islam. This has more to do with tribal customs rather than Islamic principles or practices. No such article exists in the Covenant of Madinah nor did the noble Messenger of Allah (ﷺ) insist on one.

Instead, the Covenant of Madinah is a remarkable document full of clarity, fairness, and inclusiveness. It gives the same rights to all people regardless of their religion despite Islam being a universal *dīn* and the Islamic State being an ideological fact of life. The Covenant emphasizes common citizenship based on people's voluntary adherence to it. In it, no reference to favoritism or discrimination on the basis of race, color, tribe, class, or religion can be found, something sadly lacking in many societies even today. It was due to the principled adherence to fairness and equity that the signing parties were so committed to the Islamic State and the leadership and authority of the noble Messenger of Allah (ﷺ). True, not everyone followed the terms of the Covenant with sincerity but there are dishonest and selfish people in every society. The noble Messenger of Allah (ﷺ) gave them an opportunity to accept a Covenant that respected everyone regardless of ethnicity, race, or religion. It was for them to accept or reject. Those, like the Yahūd, who betrayed it, were then dealt with according to the criteria revealed by Allah (ﷻ) to His Messenger (ﷺ), and not based on discrimination or hatred of any particular group.

The Covenant of Madinah stands out as a remarkable document, even today. It was the first to institutionalize peace and harmony in the conflict-ridden society of Arabia. It was instrumental in creating internal cohesion and harmony in Madinah so that the looming threat from the Quraysh that would not be long in coming could be managed. Beyond Madinah, its immediate impact was felt by facilitating cooperative relations with the tribes residing to the west and straddling the trade routes to Syria. It is to this aspect that we will turn our attention in the next chapter.

Notes and References

1 Qur'an, 17:80.

2 There are many versions of this *du'ā'*, where the wording varies slightly in each narration; however the intended meaning is concordant across all the versions. In all the variations, one of which is given below, the narrator is the same — Anas ibn Mālik (ﷺ) — whereas those who recorded them are numerous, including al-Bukhārī, Muslim, and al-Suyūṭī.

اللهم إني أعوذ بك من الهم والحزن . والعجز والكسل . والجبن والبخل . وضلع الدين . وغلبة الرجال

3 Abū al-A'lá Mawdūdī, *Tafheem ul-Qur'an, Volume 2*. (Lahore, Pakistan: Maktaba-e Ta'meer-e Insaniyyat, 1974), p. 638 (narrated by 'Uthmān ibn 'Affān – ﷺ). إن الله يزع بالسلطان ما لا يزع بالقران

4 Zafar Bangash (editor), *In Pursuit of the Power of Islam: Major Writings of Kalim Siddiqui*. (London, UK: The Open Press, 1996), p. 293.

5 Shibli Naumani, *Seeratun Nabi, Volume 1 (Urdu)*. (Lahore, Pakistan: Nashiran-e Qur'an Limited, undated), pp. 280–82.

An expanded version of the two-volume original, cited above, was published in 1975 by Deeni Kutubkhana in Lahore, Pakistan. Syed Sulaiman Nadwi added numerous references to this revised, expanded six-volume edition.

6 Ibid., p. 186.

7 Abū Bakr Muḥammad ibn Isḥāq ibn Yasār and Abū Muḥammad 'Abd al-Malik ibn Hishām, *Seeratun Nabi, Volume 1, (rendition of Muḥammad ibn Isḥāq's original work, Urdu)*. (Lahore, Pakistan: Idara-e Islamiyyat, 1989), pp. 340–41;

Shibli Naumani, *Seeratun Nabi, Volume 1*, pp. 290–91.

8 ***al-ladhīna āmanū*** – those who are securely committed to Allah (ﷻ); the first among equals in an Islamic society.

9 Dr. Muḥammad Ḥamīdullāh, *Rasool-e Akram ki Siyasi Zindagi (Urdu).* (Karachi, Pakistan: Darul Asha'at, 2003), p. 251.

10 Naseer Ahmed Nasir, *Payghambar-e Azam wa Akhir (Urdu).* (Lahore, Pakistan: Feroze Sons, undated), pp. 389–90;

Saifur Rahman al-Mubarakpuri, *Al-Raḥīq al-Makhtūm (Urdu).* (Lahore, Pakistan: Al-Maktabah al-Salafīyah, 1999), pp. 248–49.

11 Shibli Naumani and Syed Sulaiman Nadwi, *Seeratun Nabi, Volumes 1–2.* (Lahore, Pakistan: Al-Faisal Nashiran wa Tajiran, 2005), p. 175;

Shibli Naumani, *Seeratun Nabi, Volume 1,* p. 262 (originally cited in *Wafā' al-Wafā bi-Akhbār Dār al-Muṣṭafá, Volume 1,* by Nūr al-Dīn 'Alī ibn 'Abdillāh al-Samhūdī, pp. 116–52, which also contains further details about the origins of the Anṣār).

12 Ibn Isḥāq and Ibn Hishām, *Seeratun Nabi, Volume 1,* p. 287.

13 Ibid., p. 284.

14 Ibid., pp. 293–96.

15 Ibid., pp. 354–55.

Abū Ja'far ibn Jarīr al-Ṭabarī, *Tārīkh al-Umam wa-al-Mulūk (popularly known as Tareekh-e Tabari), Volume 1 (Urdu).* (Karachi, Pakistan: Nafees Academy, 1987), pp. 226–27;

Abū al-A'lá Mawdūdī, *Tafheem ul-Qur'an, Volume 2.* (Lahore, Pakistan: Idara Tarjumanul Qur'an, 1994), pp. 121–22, p. 310 *(Volume 3),* pp. 508–22 *(Volume 5),* and *tafsīr* of *Sūrah al-Munāfiqūn.*

16 Originally cited by Abū al-Faraj al-Iṣfahānī in his book *Kitāb al-Aghānī* (Volume 16, p. 94) and by al-Balādhurī in his book *Futūḥ al-Buldān,* and then requoted by

Abū al-A'lá Mawdūdī, *Tafheem ul-Qur'an, Volume 5.* (Lahore, Pakistan: Idara Tarjumanul Qur'an, 1994), p. 371;

'Abd al-Raḥmān al-Suhaylī, *Rawḍ al-Anf, Volume 2 (Urdu)*. (Lahore, Pakistan: Ziaul Qur'an Publications, 2005), pp. 484–85.

17 Roger Garaudy, *The Case of Israel: A Study of Political Zionism*. (London, UK: Shorouk International, 1983), pp. 33–35.

18 Solomon Grayzel, *A History of the Jews*. (New York, New York: New American Library, 1968), pp. 225–27.

19 Muḥammad Ḥusayn Haykal (Dr. Ismā'īl Rājī al-Fārūqī, translator), *The Life of Muhammad (ﷺ)*. (Kuala Lumpur, Malaysia: Islamic Book Trust, 1993), pp. 150–55.

20 Dr. Muḥammad Ḥamīdullāh, *Ahd-e Nabawi main Nizam-e Hukumrani, Volume 1, 2nd edition*. (Hyderabad (Daccan), India: Maktaba Ibrahimiyya, undated), pp. 102–11.

21 R.A. Nicholson, *A Literary History of the Arabs*. (Cambridge, UK: Cambridge University Press, 1962), p. 173.

22 W. Montgomery Watt, *Muhammad at Medina, 4th edition*. (Karachi, Pakistan: Oxford University Press, 1998), p. 221;

J.J. Saunders, *A History of Medieval Islam*. (London, UK: Routledge & Kegan Paul, 1965), p. 26.

23 Dr. Muḥammad Ḥamīdullāh (Khalid Pervez, translator), *Le Prophete de l'Islam (Payghambar-e Islam: Urdu translation from French)*. (Multan, Pakistan: Beacon House, 2005), p. 205, (originally cited in *Ṣaḥīḥ al-Bukhārī, Book* 96, Chapter 16, No. 18).

24 Haykal, *The Life of Muhammad (ﷺ)*, p. 156;

Ḥamīdullāh, *Le Prophete de l'Islam*, p. 202.

25 Mazhar ul-Haq, *Principles of Political Science*. (Lahore, Pakistan: Bookland Publishers, 1975), p. 37.

For a definition and discussion of the concept of *state*, see the chapter by the same name, pp. 35–40.

26 The English Language Institute of America, *The Living Webster Encyclopedic Dictionary of the English Language*. (Chicago, Illinois: The English Language Institute of America, 1977), p. 953.

27 Ṭāhā Ḥusayn, *'Alī wa-Banūh*. (Cairo, Egypt: Dār al-'Ilm li-al-Malāyīn, 1991).

28 G.N. Jalbani, *Teachings of Shah Waliyullah of Delhi, 3rd edition*. (Lahore, Pakistan: Ashraf Publishers, 1979), pp. 146–47.

29 Zafar Bangash (editor), *In Pursuit of the Power of Islam*, p. 293.

30 Muḥammad Salīm al-'Awwā, *On the Political System of the Islamic State*. (Indianapolis, Indiana: American Trust Publications, 1980), p. 1, (originally cited by Muḥammad Ṭāhā Badawī in *Mudhakkirāt fī 'Ilm al-Siyāsah*, p. 104).

31 ***mu'mins*** and ***muslims*** of Quraysh – this indicates the seasoned or well-established Muslims *(mu'mins)*, those who would be carrying the higher responsibilities such as rule and decision making; and the newly initiated Muslims from the Quraysh. The Prophet (ﷺ) is basically identifying the two components of the Muhājirūn.

32 **people of Yathrib** – this refers to the Anṣār, the Jewish tribes in and around the city, and all the residents of Madinah who had not yet become Muslims.

33 Here, the Prophet (ﷺ) is acknowledging the fact that interdependent relationships already exist, and taking advantage of this dynamic, he in a non-discriminatory way is making each constituency responsible for its own members. Note that even though the constituency is semi-autonomous the last portion of the article ensures that no constituency will follow its own social law, its own pattern of political representation, or its own security arrangements. Each constituency is required internally to take care of its own but in the larger context is required to form a unit with the other constituencies in so far as the defense of the city is concerned.

34 **overburdened person** – one who cannot make ends meet.

35 ***mawlá*** – a second-class citizen within the *jāhili* class structure of society, which was acknowledged by the Prophet (ﷺ) at the time this document was enacted, but it is clear from the general tone of the articles that the Prophet's (ﷺ) intent was to immediately initiate a process of behavioral modification that would lead to a society devoid of the typical breakdown of classes along lines of influence and wealth. And thus henceforth, those who considered themselves and were considered by others to be second-class would be given the self-confidence to demand the rights they deserved, while those who were prone to put themselves in the first-class category would be taught that the exercise of power is conditional on the promotion of social justice and the equilibration of social status.

36 The junior status could either refer to the other Muslim or the *mawlá*.

37 ***kāfir*** – one who is part of an organized combatant opposition to Allah (ﷻ) and His Messenger (ﷺ) — for example, the Quraysh.

38 Here again, the existing class structure is recognized (but not approved) as a starting point that has to be ultimately restructured by a set of new behaviors that seek to reduce the distance between *(jāhilī)* classes to a point where such distinctions are irrelevant; in the case of this article in the document, the representation of the entire community of Muslims by an individual Muslim is considered to be legitimate and binding on the whole, regardless of his class status in the soon-to-be vanishing *jāhili* societal setup.

39 **reciprocal equivalency** – the terms of the individual agreement do not harm, violate, or diminish the security and well-being of all the other Muslims and the standards of justice.

40 This article rewards those who made a commitment in the early years when it was much more difficult to do so. Thus they have a rank above those who joined the Prophet (ﷺ) and the Islamic State later; and in this manner, all would be given an honor commensurate with the order in which they joined. Such honor could take the form of social recognition or a larger share of the spoils of war; however the article does not specify.

41 ***mushrik*** – one who places rivals/competitors with Allah (ﷻ) in the area of His divinity, dominion, authority, and judgment.

42 This means that the committed Muslims have to act as one block to ensure that the issue remains between the affected parties — the victim's next of kin and the murderer — and does not become a political or legal football to be kicked around by people of influence, power, and wealth. However if the affected parties cannot settle the matter to each other's satisfaction, then it becomes the responsibility of Muslim deputies representing the general body of Muslims to invoke the death penalty on the guilty party.

43 **dismissal** – any effort by the felon to divert, sidetrack, substitute, or replace the penalty due to him.

swap arrangement – any offer of settlement by the felon that equates to the crime that was committed (for example, a plea bargain).

44 Refers to Yathrib within its well-understood city limits, but not its outskirts.

45 Note that the first part of the article, "*And if they [occupants of Madinah] are called to a truce…*" is binding on all the occupants of Madinah, Muslim as well as non-Muslim; whereas the second part, "*And if, on the other hand, they [the kāfirs] call upon the committed Muslims for a truce…*" is specific to the Muslims.

46 There is little doubt among the authors of the Sīrah and the major collectors of the Hadith about the general wording of the Covenant, which is supported by multiple narrators; however the number of articles varies because each author, in an attempt to analyze and organize the meanings of the document for teaching purposes, has grouped the items differently. Thus Ibn Isḥāq in Ibn Hishām's rendition of the Sīrah (*Seeratun Nabi (Urdu), Volume 1*, pp. 336–39), lists 37 articles, while Muḥammad Ḥusayn Haykal, in *The Life of Muhammad* (ﷺ), does not number the articles at all (pp. 180–83).

In this book, the author has taken a rendition of the Covenant as presented by Dr. Ḥamīdullāh in the reference below. Its 47 articles

were translated into English from the original Arabic by Muḥammad al-'Āṣī and edited by Br. Afeef Khan.

Dr. Muḥammad Ḥamīdullāh, *Al-Wathā'iq al-Siyāsiyah fi al-'Ahd al-Nabawi wa-al-Khilāfah al-Rāshidah, 7th edition*. (Beirut, Lebanon: Dār an-Nafā'is, 2001), pp. 1–7.

47 Two hadith references in this regard are given below,

Umm al-Mu'minīn 'Ā'ishah (ﷺ) narrated, "I heard the Messenger of Allah (ﷺ) say, *'By his good akhlāq, a mu'min achieves a status on par with one who fasts regularly and offers ṣalāh the whole night'*" (recorded by Abū Dāwūd in the Chapter, *Ḥusn al-Khuluq*, hadith number 4798).

إن المؤمن ليدرك بحسن خلقه درجة الصائم القائم

Abū Hurayrah (ﷺ) narrated, "The noble Messenger (ﷺ) said, *'Among the committed Muslims he has attained the best of īmān who has the best of manners. And the best [in īmān] among you is the one who is most kind and considerate toward his wife/wives'*" (recorded by Aḥmad ibn Hanbal, hadith number 472/2).

اكمل المؤمنين إيمانا أحسنهم خلقا وخياركم خياركم لنسائهم

48 Dr. Muḥammad Ḥamīdullāh, *Rasool-e Akram ki Siyaasi Zindagi (Urdu)*. (Karachi, Pakistan: Darul Asha'at, 2003), pp. 140–87.

49 ***ummīyūn* of Yathrib** – the member's of the city's tribes who had not been exposed to Allah's (ﷻ) guidance in a meaningful sense. These people were addressed by the Prophet (ﷺ) as the "people of Yathrib" and not as *kāfirs, mushriks,* or the like, because they had not yet demonstrated an antagonism to Allah's (ﷻ) command and counsel. One can only be characterized as a *kāfir* due to a rejection and/or denial of such guidance once presented.

50 Haykal, *The Life of Muhammad (ﷺ)*, pp. 365–66.

51 Ibn Isḥāq and Ibn Hishām, *Seeratun Nabi, Volume 1*, pp. 344–47;

Martin Lings, *Muhammad (ﷺ): His Life Based on the Earliest Sources.* (Kuala Lumpur, Malaysia: Islamic Book Trust, 1983), p. 130;

Haykal, *The Life of Muhammad (ﷺ)*, p. 190.

52 Ibn Isḥāq and Ibn Hishām, *Seeratun Nabi, Volume 1*, pp.158–59, pp.168–76;

Al-Ṭabarī, *Tareekh-e Tabari, Volume 1*, pp. 281–82, pp. 293–302;

Abū al-A'lá Mawdūdī, *Tafheem ul-Qur'an, Volume 2*. (Lahore, Pakistan: Maktaba-e Ta'meer-e Insaniyyat, 1974), pp. 58–63;

Haykal, *The Life of Muhammad (ﷺ)*, pp. 299–311.

53 Barkat Ahmad, *Muhammad and the Jews — A Re-examination*. (New Delhi, India: Vikas, 1979);

W.N. 'Arafāt, "New light on the story of Banu Qurayza and the Jews of Medina," *Journal of the Royal Asiatic Society of Great Britain and Ireland*. (London, UK: The Royal Asiatic Society of Great Britain and Ireland, 1976), pp. 100–07;

Ḥamīdullāh, *Rasool-e Akram ki Siyasi Zindagi*.

54 Narrated by Abū Mūsá al-Ash'arī (ﷺ) and recorded by Ibn Taymiyah.
أنا نبي الرحمة . ونبي التوبة . ونبي الملحمة

55 Dr. Ismā'īl Rājī al-Fārūqī, *Islam and the Problem of Israel*. (London, UK: Islamic Council of Europe, 1980), p. 87.

56 For an explanation of the Qur'anic *āyāt* dealing with this situation, 3:165–168, see the reference below,

Muḥammad al-'Āṣī, *The Ascendant Qur'an: Realigning Man to the Divine Power Culture, Volume 5*. (Toronto, Canada: Institute of Contemporary Islamic Thought, 2011), pp. 224–32.

57 **Magna Carta** – Latin for the *Great Charter*. Despite its high sounding name, it does not include any great principles of law. It contains concessions wrung by rebellious barons from King John, an oppressive British ruler, following months of fighting and turmoil. The resulting agreement, which was drawn up in June 1215 at Runnymede outside London curtailed some of the king's arbitrary powers (source: http://www.bl.uk/treasures/magnacarta/basics/ basics.html).

58 Published on the internet by the US National Archives on the page entitled, *The Charters of Freedom: The Declaration of Independence*. (source: http://www.archives.gov/exhibits/charters/declaration.html).

59 Published on the internet by the International Constitutional Law Project on the page entitled, *Saudi Arabia – Constitution*. (source: http://www.servat.unibe.ch/icl/sa00000_.html)

INDEX

A
al-'Abbās (ﷺ) 52
'Abdullāh ibn Mas'ūd (ﷺ) v
'Abdullāh ibn Salām (ﷺ) 57
'Abdullāh ibn Ubayy ibn Sallūl 17, 41, 43, 60, 70
  Ibn Ubayy 17, 41, 43, 53, 60, 70
Abū Bakr (ﷺ) 24, 73
Abū Dāwūd 79
Abū Hurayrah (ﷺ) 79
Abū Jahl 25
Abū Mūsá al-Ash'arī (ﷺ) 80
Abū Sufyān 20
Abū Ṭālib 2
Absolute, the 34
Abyssinia 2, 56
  Abyssinian King 13
Adam (ﷺ) vi
Africa iv
  African 67
aggression 9, 24, 28, 32, 51, 56, 64
Ahd-e Nabawi main Nizam-e Hukumrani, *see* Ḥamīdullāh
Ahl al-Kitāb 19
  People of the Book 14, 22
Aḥmad ibn Ḥanbal 79
al-Aḥzāb, Battle of 57, 62
'Ā'ishah (ﷺ), Umm al-Mu'minīn 36, 79
akhlāq 41, 79
Āl Sa'ūd, 'Abd al-'Azīz ibn 'Abd al-Raḥmān al-Faysal, *see* Saudi Arabia
allies 14–15, 25, 38, 39, 54–55
  ally 24–25, 33, 56
Almighty, the 18
Amalekites 19
America, *see* United States
Americas, the 47–48
'Amr ibn 'Awf (ﷺ) 5
'Amr ibn Umayyah al-Ḍamrī (ﷺ) 60
Anas ibn Mālik (ﷺ) vi, 3, 6, 73
Anṣār 4–7, 24, 42, 50, 56, 74, 76
  anṣārī 6, 54
apostle 19
'Aqabah xiii
  'Aqabah, First Pact of 16
  'Aqabah, Second Pact of 2, 16, 23, 52
Arab vi, 17, 70, 75
Arabia 6, 11, 15, 21, 38, 53, 65, 71–72

Arabian Peninsula vii, 8, 18, 21, 51, 69
Peninsula, the 15, 22, 70
Arabians 8, 17, 25, 55–56
Arabic xv, xviii, 10, 15, 79
'Arafāt 80
As'ad ibn Zurārah (ﷺ) 52
Aṣḥam, *see* the Negus
al-'Āṣī, Muḥammad xv, 79, 80
The Ascendant Qur'an 80
authority vi, viii, 3–7, 13, 23, 35–42, 52, 56, 64–68, 72, 78
authority, central 65
Aws xii–xiii, 15–17, 21–24, 28, 31, 34, 40–44
al-'Awwā, Muḥammad Salīm 38, 76
āyāt 1–2, 18–19, 57, 80
āyah 71

B

Badawī, Muḥammad 38
Badr, Battle of 6, 18, 20, 51
al-Balādhurī, Aḥmad ibn Yaḥyá ibn Jābir 74
Futūḥ al-Buldān 74
Bangash, Zafar iii–iv, xv, 73, 76
Power Manifestations of the Sirah x, xv
bank 19
Banū 'Abd al-Dār 16
Banū 'Amr ibn 'Awf 27
Banū 'Awf 26, 31
Banū 'Āmir 60
Banū al-Ḥārith 26, 31
Banū Isrā'īl, *see* Jews
Banū Jafnah 32
Banū Jumaḥ 24
Banū Jusham 27, 31
Banū al-Naḍīr, *see* Jewish tribes
Banū al-Nabīt 28
Banū al-Najjār 27, 31
Banū Qaḥṭān 16
Banū Qaynuqā', *see* Jewish tribes
Banū Qurayẓah, *see* Jewish tribes
Banū Shuṭaybah 32
Banū Sā'idah 27, 31
Banū Sālim 5
Banū Tha'labah 31
Bar Kokhba Revolt, *see* Jews
Baṣrah 36
bātil 36–37
battlefield 65
bay'ah 16
Bilāl ibn Rabbāḥ (ﷺ) 24
Britain, *see* United Kingdom
Bu'āth War xii, 16, 17, 21
al-Bukhārī, Imam 73, 75
Byzantine 21, 53

C

Canada iv, xv, 8, 66–67, 80
Charter of Rights and Freedoms (Canada) 67
children 36, 62, 65, 70–71
Christianity 48
Christian 56
East Roman Church 21
city-state, Madinan 38, 46, 52, 55, 58, 64
clan loyalties 55
tribal loyalties 40, 51
class structure 77
collective punishment 60
colonialism 49, 69
community 5, 31, 50, 55, 77
conflict resolution 42, 47
constituency, self-contained, semi-autonomous 26–28
constitution(s) viii–xi, 5, 13, 23, 62, 65, 66, 68, 70–71, 81
Constitution, American 67
corrective justice 4, 63
corruption 9, 28, 51
Crescent International, *see* Institute of Contemporary Islamic Thought

D

Dār al-Nadwah xii, 15
da'wah 11
Dāwūd (ﷺ) 70
Day of Resurrection 30
debt 3, 21
decision-making xi, 40
Declaration of Independence (US),

see United States
democracy 48, 68–69
  democratic 69
dīn 31, 34, 45, 72, 74
diplomacy 8
directional course 11
discrimination 68, 72
dismissal 30, 78
dominion 63, 78
duʿā' 1–4, 73

E
earth vi, 8–10, 18, 36, 58
East Roman Church, *see* Christianity
education 37
Egypt 19, 76
enemy 19–20, 39, 65
  enemies 5, 25, 39, 54–55, 63
energy 43
ethnic cleansing 48
Europe 80
  European 35, 68
  European Jewry 48
  European Union 8
exclusive 35, 40, 44, 49
exploitation 16, 45, 54

F
Fahd ibn ʿAbd al-ʿAzīz, *see* Saudi Arabia
falsehood 1
Farsi, *see* Persian
al-Fārūqī, Dr. Ismāʿīl 62, 80
  Islam and the Problem of Israel 62, 80
Fire, the 19
France 9
Futūḥ al-Buldān, *see* al-Balādhurī

G
Germany 9
ghaybi 5, 7
governance 5, 66, 71

H
Hadith, the 3, 14, 23, 78–79
Hajj 16
  pilgrimage 22
Hamidullāh, Dr. Muḥammad 23, 74, 75, 78–80
  Ahd-e Nabawi main Nizam-e Hukumrani 75
  Al-Wathāʾiq al-Siyāsiyah fi al-ʿAhd al-Nabawi wa-al-Khilāfah al-Rāshidah 79
  Le Prophete de l'Islam 75
  Rasool-e Akram ki Siyasi Zindagi 74, 79–80
ḥaqq v, 7, 36, 37
Haram, *see* al-Masjid al-Nabawi
ḥarām 38, 64
Hārūn (هارون) 19
Haykal, Muḥammad Ḥusayn 75, 78
head of state 18, 40, 65, 67
health 37, 68
heavens 2
heir apparent 71
Hijāz 19
Hijrah, the vii, 1, 15, 57
ḥikmah xiv, 23
Holy Land, *see* Jerusalem
House of Saud, *see* Saudi Arabia
humanism xiv
hypocrisy 69

I
Ibn Hishām, Abū Muḥammad ʿAbd al-Malik 73–74, 78–80
Ibn Isḥāq, Abū Bakr Muḥammad 16, 73–74, 78–80
ideological 8, 10, 12, 35, 46, 72
imam 36
imān 3, 79
imperialism 49
injustice 32, 47
Institute of Contemporary Islamic Thought, The iii–iv, x, xv
  Crescent International iv
institutional 4, 7–10, 26–28, 42, 47
interfaith dialogue 22
Iraq 36
Islam iv, xii–xiv, 3–6, 10, 16–17, 22–23, 34–37, 43–44, 50–53, 57–58, 62, 64, 68–76, 80

Islamic executive authority 7
Islamic movement iv, 11–12
Islamic society 73
Islamic State 1–7, 10–13, 20, 37, 39, 53, 61, 69–72, 76–77
power of Islam 5, 37, 73, 76
Islam and the Problem of Israel, *see* Ismā'īl al-Fārūqī
Isrā' and the Mi'rāj 2, 5
Israel 54, 62, 66, 68, 75, 80, *see also* Zionism
Israeli 70
ittiḥād xiii, 7–10, 23
Iyās ibn Mu'ādh (ﷺ) 16

J
Jacob (ﷺ) 59
Ja'far ibn Abī Ṭālib (ﷺ) 8, 13
jāhilīyah 60
jāhilī 6, 77
Jericho 19
Arīḥah 19
Jerusalem 2, 19, 21
Holy Land 47–48
Jesus (ﷺ) v
Jews x, xiii, 12, 14, 17, 18, 21, 25, 29, 31, 32, 33, 34, 38, 39, 42, 43, 54, 55, 56, 57, 62, 63, 69, 75, 80
Banū Isrā'īl v, 17
Bar Kokhba Revolt 21
Jewish vii, 11, 14, 45, 62, 69
Jewish tribes xii–xiii, 15–18, 21, 24–25, 57, 76
Banū al-Naḍīr xii, 15, 18–19, 59–62
Banū Qaynuqā' xii, 15, 21, 57, 62
Banū Qurayẓah xii, 15, 19, 57, 62
Judaism 62
rabbis 11, 14, 22, 57
Jordan 21
Jumu'ah 4–6, 12
justice, institutional 26–28

K
Ka'b ibn al-Ashraf 20, 59
Ka'bah 15
Khadījah, Umm al-Mu'minīn (ﷺ) 2
khalīfah xiv, 36
vicegerent xiv, 36
Khan, Afeef iii–iv, xv, 79
Khaybar 17, 62
Khazraj xii–xiii, 15–17, 21–26, 40–44
Khazrajīs 16
khilāfah 36, 49, 71, 79
al-khilāfah al-rāshidah 71
khutbah 5
kings 70–71
kitābah 23
kāfirs 2, 20, 29, 34, 77–79

L
al-ladhina āmanū 7–8, 12, 73
law of the jungle 49
law, divine xi, 39, 40
law, tribal xi, 13, 52
Le Prophete de l'Islam, *see* Hamīdullāh
leadership viii, xi, xiii, 7, 11, 12, 20, 23, 39, 42, 44, 57, 72
leader(s) ix, xi–xiv, 11–13, 16, 21–25, 37, 43, 52, 57
League of Nations, *see* United Nations
Lebanon 21, 79
legitimacy 47
legitimate needs 46
letter(s) xviii, 13
letters and treaties iv
London, *see* United Kingdom

M
Magna Carta 67, 81
Makkah ix–xiii, 1–6, 13–17, 20–25, 37–40, 43, 50–53, 60–61, 64
Makkan 22–23, 37, 46, 53, 57
Makkan chiefs 14, 24
sanctuary 13, 25, 38, 51, 64
ma'rūf v, 26–28
Mary (ﷺ) v
masjid 4–5, 10–12, 22
Masjid Qubā' 5
al-Masjid al-Nabawī 4, 10, 22
Ḥaram, the 64
mawlá 28, 45, 50, 77

Merciful, the i, 26
mercy i, 26, 58–59
Mercy-Giving, the i, 26
Middle Eastern, *see* Muslim East
migration 13, 15, 24
minbar 5
minority 22, 35, 40–43, 46, 52
monarchy 67, 70–71
monotheists 56
Muhājirūn 4–7, 24–26, 42, 50, 53, 56, 76
muhājir 4–7, 24–26, 42, 50, 53–56, 76
Muhammad (ﷺ) iv, 8, 19, 20, 26, 30–34, 39, 75, 78–80
Muhammad ibn Maslamah (رضي الله عنه) 20
mulukiyah 71
mu'min(s) xi, 26, 29, 38–39, 50–54, 76, 79
secure commitment 50, 63
munkar v
munāfiq(s) xiii, 54, 61, 74
murder 8, 60–61, 69
Mūsá (عليه السلام) 19, 41, 56
Mus'ab ibn 'Umayr (رضي الله عنه) 16, 43
mushrik(s) 1, 6, 12–17, 20–22, 30, 39, 41, 46, 53–54, 57, 61, 78–79
Muslim East 11, 68–69
Middle Eastern 68
Muslim world 11
Muslim, Imam 73
Muslims, committed 18, 26–34, 39, 50–53, 78–79
early Muslims 4, 45, 60
mutual assistance 32, 56

N

nastaghfir-allāh 14, 17
nation-state(s) 35, 50, 55
Native American(s) 35, 67–68
Naumani, Shibli 73–74
Seeratun Nabi 73–74, 78–80
Negus, the 13
Aṣham 13
Najāshī 56
Nicholson, R.A. 23, 75
non-Muslim 25, 38, 44, 50, 56, 63, 78
North American Free Trade Agreement (NAFTA) 8
nuclear 68

O

One God 56
oppression 19, 33, 56
oppressed 8, 32, 46, 51
oppressive 35, 81
oral tradition 13
overburdened person 28, 50, 76
ownership 23

P

Pakistan 73–76, 79–80
Urdu xviii, 73–75, 78–79
Palestine 19, 21, 47–49, 62, 69, *see also* Jerusalem
Palestinians 47–48, 69
West Bank 19
peace and justice viii, 51
Peace of Westphalia 50
people, the x–xiv, 3, 12, 23–26, 37–39, 42–43, 45–46, 50, 53–54, 57, 59, 64, 66, 69, 71
persecution 22
Persian 53
Farsi xviii
Pharaoh(s) 19, 71
pilgrimage, *see* Hajj
political theory xiv, 35
politics, corrupt 47
politics, just 46
population 11, 35, 42, 68–69
poverty 8
poor, the 51, 61
power
Allah's (ﷻ) power presence 28, 42, 51
exercise of power 7, 8, 77
power base 23
power constituencies 42, 44
power culture(s) 9, 11, 44, 80
power factions 24
power manifestations iv
temporal power 2, 47

Power Manifestations of the Sirah, *see* Zafar Bangash
power of Islam, *see* Islam
principal 16, 21, 43, 57
Prophets (ﷺ) 2, 12, 18–19, 52, 56, 59, 61
public interest 31

Q
Qaḥṭān xii
qisṭ 26–27
Qubā' 5
Qur'an 3, 14–18, 56, 64, 73–75, 80
Quraysh xi, xiii, 17, 20, 24–26, 30, 33, 39–40, 46, 53–54, 57, 59–60, 64, 72, 76–77
Qurayshī 20
Qurayshī chiefs 14, 22, 52

R
rabbis, *see* Jews
racism 6, 48–49, 68–69
Rajab x, xv
Ramaḍān 8
Rasool-e Akram ki Siyasi Zindagi, *see* Ḥamīdullāh
Rawḍ al-Anf, *see* 'Abd al-Raḥmān al-Suhaylī
reciprocal equivalency 29, 53, 77
refugees 9
rendition 73, 78
revelation 6, 18–19, 60, 62
ribā 8
rich 17, 61
rights iv, ix, xiv, 5, 9, 14, 25, 44, 47–49, 55–56, 65–67, 72, 77
political rights x
rituals 52
ruler(s) v, 69–71, 81

S
Sa'd ibn Mu'ādh (ﷺ) 24, 62
ṣalāh 2, 8–11, 79
ṣalāh al-jumu'ah 4, 5
ṣilah 10
sanctuary, *see* Makkah
Saudi Arabia 69–70, 81
Āl Sa'ūd, 'Abd al-'Azīz ibn 'Abd al-Raḥmān al-Fayṣal 70–71
Fahd ibn 'Abd al-'Azīz 70
House of Saud 71
Saunders, J.J. 23, 75
scholars v, 21, 38, 71
scripture 14, 17, 55–56
previous scripture 56
secure commitment, *see mu'min*
security 37, 44–47, 57–58, 64, 76–77
Seeratun Nabi, *see* Shiblī Naumani
segregation 68
self-confidence 77
self-interest, *see* special interests
sense of urgency 45
Siddiqui, Kalim 3, 37, 73
sidrah al-muntahá 2
siege 57, 61
al-Shām 21
slavery 8, 24
slaves 45, 48, 51, 67
social contract xi, 13
social justice 4, 8–10, 45, 52, 58, 77
social order 46–47
social status 77
sovereignty xiv, 35–36, 68
sovereign xiv, 35–36, 70
special interests 35, 47
self-interest 9
vested interests 3, 54
spoils of war 77
standards 77
state v, xi, 5, 8, 11–13, 33–39, 55, 65, 75
statesmanship, prophetic 25
Sudan 48
al-Suhaylī, 'Abd al-Raḥmān 75
Rawḍ al-Anf 75
Sulaymān (ﷺ) 70
sunan x, 12
Sunnah, the iv, 70–71
sūrah v, 14, 18, 41
Sūrah al-Mā'idah v
Sūrah al-Kahf 14
Sūrah al-Ḥashr 18
Sūrah Banī al-Naḍīr 18
Sūrah al-Qaṣas 41

Surāqah ibn Mālik (ﷺ) 13
Suwayd ibn Thābit (ﷺ) 16
al-Suyūṭī 73
swap arrangement 30, 78
Syria 21–24, 72

T
al-Ṭabarī, Abū Ja'far ibn Jarīr 74, 80
Tārikh al-Umam wa-al-Mulūk 74
tafsīr 18, 74
al-Ṭā'if 3
Ṭalḥah ibn 'Ubaydillāh (ﷺ) 36
tanwīn vii, xviii
taqwá vi, 4, 6, 10, 45
tarbiyah 45
Tārikh al-Umam wa-al-Mulūk, *see* al-Ṭabarī,
tashdīd vii, xviii
Tharabān 15
Torah 57
torture 24
trade caravans 22
transliteration vii, xvii–xviii
treason 20, 39, 62
treaties iv
tribalism 38
tribes 17–18, 24–25, 38, 40, 50, 54, 57, 70, 72, 76, 79
tribes, Arabian xii, 15–16, 21, 56, 60
truce 29, 34, 38, 53, 78
Truly Wise, the 18
truth xv, 1, 4, 8, 18–19, 33–36, 43, 56, 57, 61, 63
truth and justice 49
Turābah 15
Turbān 15
Turībah 15
tyranny 45
tyrannies 68

U
Uḥud, Battle of 18, 20, 65
Umayyah ibn Khalaf 24–25
ummah 26, 41–46, 50
Ummah, the viii, 7–8, 41
ummiyūn x, 42, 79

United Kingdom (UK) 9, 73, 75, 80–81
Britain 54, 66–67, 80
British 67, 81
London iii, 73, 75, 80–81
United Nations 8–9
Universal Declaration of Human Rights 9
League of Nations 9
United States 8–9
America 49, 68, 76
American 35, 47, 67, 68, 70, 75–76
Declaration of Independence (US) 67, 81
Universal Declaration of Human Rights, *see* United Nations
unjust 31–32
Urdu, *see* Pakistan
'Uthmān ibn 'Affān (ﷺ) 49, 73

V
vicegerent, *see khalīfah*

W
war xi–xii, 8, 17–21, 31–34, 38–39, 56, 59, 63–64, 77
wars 9, 16, 40
water 41, 68
Al-Wathā'iq al-Siyāsiyah fī al-'Ahd al-Nabawī wa-al-Khilāfah al-Rāshidah, *see* Ḥamīdullāh
Watt, Montgomery 23, 75
West Bank, *see* Palestine
Western iv, xiv, 35, 68
wisdom 7, 10, 23, 25, *see also ḥikmah*
woman 33
women 16, 45, 51, 62, 65, 67
Writ, divine 64
World War Two (WWII) 9

Y
Yahūd viii, xii, 14–22, 40–41, 54–61, 72, *see also* Jews, Zionism
Yathrib vii, xi–xii, 14–26, 33, 38–39, 42–43, 52, 55, 64, 76–79

Yemen 15
  Yemenī xii, 15, 16
Yūsuf (ﷺ) 70

Z

Zionism 59, 75
  Zionist 48
  Zionist State 68–69
al-Zubayr ibn al-'Awwām (ﷺ) 36

NOTES